

<b>MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK</b>
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**FORMAL SESSION  
December 15, 2004**

The Board of Supervisors of Maricopa County, Arizona convened in Formal Session at 9:00 a.m., December 15, 2004, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Andrew Kunasek, Chairman, District 3, Fulton Brock, District 1, Don Stapley, District 2, Max W. Wilson, District 4 and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Administrative Officer; and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-no-absent-abstain.

**INVOCATION**

Javier Reyes, Pastoral Administrator for St. Anthony's Parish and Immaculate Heart Church in Phoenix, AZ, delivered the invocation.

**PLEDGE OF ALLEGIANCE**

Robert Fimbres, the Recorder's Office, led the assemblage in the Pledge of Allegiance.

**SPECIAL PRESENTATIONS TO RETIRING ELECTED OFFICIALS**

Chairman Kunasek said that three elected officials who are either retiring or not returning to office as a result of the November election would be honored today. (ADM650)

County Assessor Kevin Ross  
County Attorney Richard Romley  
County Treasurer Doug Todd

Two of the three honorees were present, Richard Romley and Doug Todd. Chairman Kunasek addressed Mr. Romley first, commenting on a few of the many things that have happened during the 16 years he held office as County Attorney. The Chairman said that at any given time there is around \$500 million in civil claims against the County and every one of them has to be handled by County Counsel whether it is for \$100 or \$100 million. He added that the commitment and thoroughness that Mr. Romley displayed earlier as a prosecutor was just as apparent when he moved over to the civil side. Supervisor Wilcox added her appreciation for all Mr. Romley did for "the neighborhoods" saying he was one of the first to start using legal funds as prevention for youth crimes in the community. Supervisor Brock echoed these sentiments and mentioned the legacy Mr. Romley set as County Attorney in being tough on slum property lords, drug traffickers and in victims' rights and assured him that his leadership was appreciated. Supervisor Stapley thanked Mr. Romley for being a great example in professionalism to "all of us" and said that his relationship with the Board of Supervisors and the great line of communication he established with Board Members was unprecedented. Supervisor Wilson expressed his appreciation for Mr. Romley enforcing the laws and without trying to make the laws and that he enforced them no matter who violated them. He added, "It's easy to duck the hard issues and come up with reasons 'why not' – and you didn't do that." All wished Mr. Romley the best of luck in his future endeavors. The Chairman presented him with an engraved wall-mount clock.

Mr. Romley first thanked the public for the faith and trust they had placed in him as their County Attorney. He said he and his staff had tried their best on some very difficult issues. He thanked members of the Board of Supervisors and all of the employees in County Government saying, "It is a wonderful organization. County Government provides such services that the public is rarely aware of, and the quality of the services that we provide, and the leadership of this County, is critical to the State of Arizona." He reminded all of the near bankrupt condition of the County in 1994, and added, "And you are

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now free of debt. You can't hear that from any other government agency. It's been an honor to work with you and I thank you. I will miss you."

Chairman Kunasek said that Doug Todd had served in the State Legislature for 14 years and had been County Treasurer for the past 12 years. The Chairman said that when Mr. Todd was first elected he, and then Assessor Pete Corpstein, had clearly identified the gravity of the fiscal crisis the County was in and "rang the alarm bell." He thanked Mr. Todd for all he has done for the citizens of Maricopa County and the entire State of Arizona. AHCCCS was set in motion partly through Mr. Todd's legislative efforts and it is held out nationally as a model for healthcare delivery to the indigent. Supervisor Wilcox remembered that she and Mr. Todd had been elected at the same time – just in time to face the fiscal crises and said that both, coming from different governments, were appalled but the efforts of all had "pulled it out." She also cited the Star Center as being a hallmark of the County that Mr. Todd had pushed hard to get established. She added, "In Maricopa County we have ideas, we figure them out and we put them to work, and the Star Center has helped millions of people." Supervisor Brock said that Mr. Todd had filled some tough shoes when he was elected. He alluded to the Star Center as the County's "secret weapon" that handles so many incoming calls about everything to do with County government so well. Supervisor Stapley said that 28 years as a public servant is "quite a legacy" and wished him well in his retirement. He thanked Mr. Todd for his service as well as for his always cheery countenance, adding, "Everybody likes Doug Todd!" Supervisor Wilson said he had done a very good job of running an office that often came under public scrutiny and had done it in a professional manner and he would be missed. The Chairman presented Mr. Todd with an engraved wall-mount clock.

Mr. Todd said he remembered taking umbrage at a magazine article that proclaimed good government (Phoenix) and bad government (Maricopa County) when he first took office. He added that now, through the efforts of many good people, "that idea is no longer even on the map. Maricopa County is the third largest county in the United States of America – and I'd stack up my treasurer's office as the best treasurer's office in the United States of America." He said that when he first took office he'd told his staff, "We don't always have to do things the same way." He said that some of his staff had mumbled, "but 'Grandpa' did it that way, and I informed that that 'grandpa died' and so we could move on." He said he was proud that the attitude of taking care of customer service had been embraced by the staff of the Treasurer's Office since he'd told them, "There are no laws from Washington that require animosity between the tax payer and the tax collector."

**ACTION REGARDING THE MARICOPA COUNTY TREASURER**

Maricopa County Treasurer Doug Todd resigned his position due to health concerns, effective at 5:00 p.m. on December 15, 2004.

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to accept the resignation of Maricopa County Treasurer, Doug Todd.

Supervisor Brock nominated David Schweikert to fill the unexpired term of Doug Todd and moved to appoint him to the position. The motion was 2<sup>nd</sup> by Supervisor Wilcox and the motion carried unanimously (5-0), effective December 16, 2004. Chairman Kunasek administered the oath of office to Mr. Schweikert.

Mr. Schweikert said he had been blessed to have served as the Chief Deputy to Doug Todd for the past year and it had been an amazing learning opportunity. He said that the Treasurer's Office really is as good as Mr. Todd said it was and he would do his best to keep trying to make it better. He added, "This is a job that I absolutely love."

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**CERTIFICATES OF APPRECIATION TO THE MEMBERS OF THE MARICOPA COUNTY TRAIL COMMISSION**

Chairman Kunasek presented Certificates of Appreciation to the Members of the Maricopa County Trail Commission. Speaking for the Board, he expressed gratitude for the hard work and perseverance displayed by all members of the Commission in bringing the Maricopa Trail to its present stage. The Certificates recognize and acknowledge the commitment, dedication and hard work of the Trail Commission members while developing and completing the planning phases of the Maricopa County Regional Trail: The Maricopa Trail. Mr. Pfiefer was the only Commission member present to receive his certificate. (ADM3244)

Laurel Arndt, Parks Commission Chair, District 1,  
Art Wirtz, District 2  
James Burke, District 3  
Felipe Zubia, District 5  
Carol Erwin, Bureau of Reclamation  
Teri Raml, Bureau of Land Management  
Fred Pfiefer, APS  
James Duncan, Salt River Project  
Randy Virden, Parks Commission Vice Chair

**POINT OF PRIVILEGE**

Chairman Kunasek announced that Supervisor Wilcox had a presentation to give and a video to show on the Los Artes program.

Supervisor Wilcox said that this program was started for youth who may have gotten away from school and this program put them into GED training and gave them an opportunity to share in the arts. It is located in the historic Santa Fe Warehouse. She said that students designed and entered a float in the Phoenix Fiesta of Lights Parade this year and won for best governmental float (outside of Phoenix government). She recognized a group of students who were present at the meeting. The video highlighted different portions of the construction of the float.

**PUBLIC HEARING – LIQUOR LICENSE APPLICATIONS**

Chairman Kunasek called for a public hearing on liquor license applications. The Chairman noted that 'a' and 'b' would have to be continued.

- a. Application filed by Norberta A. Tapia De Rocha for a Person-to-Person Transfer and a Transfer-of -Location of a Series 7 Liquor License from Maria Del Rufugio Robles-Ochoa: (LL6133)

Business Name: El Vergel  
Location: 18646 B. West Yuma Road, Goodyear, AZ 85338  
Former Location: Kuki's Bar, 610 S. Martin, Gila Bend, AZ 85337

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to continue item 4a to the January 19<sup>th</sup> meeting.

- b. Application filed by Han Nmn Chen for an Original Series 12 Liquor License. (LL6136)

Business Name: New China Super Buffet  
Location: 3668 W. Anthem Way, #128, Anthem, AZ 85086

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Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to continue this item to the January 5<sup>th</sup> meeting.

No protests having been received and no speakers coming forth at the Chairman's call on the following items, motion was made by Supervisor Wilcox and seconded by Supervisor Stapley, to recommend approval of the following liquor license applications:

- c. Application filed by Roger O. Daniels for an Original Series 12 Liquor License. (LL6134)  
Business Name: Off the hook Sushi and Martini Bar  
Location: 41111 N. Daisy Mtn. Dr. Ste. 117, Anthem, AZ. 85086
- d. Application filed by Paul Zhi-Hao Zhu for an Original Series 12 Liquor License (LL6135)  
Business Name: Tasty Asian Kitchen  
Location: 5115 N. Dysart Road, #B210, Litchfield Park, AZ 85340
- e. Application filed by Leonard Sowinski for a Special Event Liquor License for:  
Organization: Our Lady of Lourdes Parish Men's Club  
Date: December 31, 2004 (F23132)
- f. Application filed by Randal Dauer for a Special Event Liquor License for:  
Organization: Speedworld R/C Flyers  
Date: January 15 & 16, 2005 (F23132)

Motion carried by majority vote (4-1) with Supervisors Stapley, Kunasek, Wilson and Wilcox voting "aye" and Supervisor Brock voting "no."

**ORGANIZE THE WIGWAM CREEK NORTH PHASE 2 AND 2b STREET LIGHTING IMPROVEMENT DISTRICT**

Chairman Kunasek called for a public hearing on this matter, no protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to organize the Wigwam Creek North Phase 2 & 2B Street Lighting Improvement District, located in the vicinity of Bethany Home Road and El Mirage Road, and appoint the Superintendent of Streets as District Engineer. The district purpose is establishing street lighting facilities and purchasing electric service for the lighting of public streets and parks within the area. (C6405173000) (ADM4302)

**ORDER ESTABLISHING  
WIGWAM CREEK NORTH PHASE 2 & 2B STREET LIGHTING IMPROVEMENT DISTRICT**

A petition having been filed with the Clerk of the Board of Supervisors of Maricopa County, Arizona, praying for the establishment of Wigwam Creek North Phase 2 & 2B Street Lighting Improvement District, under the provisions of Title 48, Chapter 6, Article 1, Arizona Revised Statutes, 1956, and said petition having been presented to the Board of Supervisors on the 15th day of December, 2004 at the hour of 9:00 a.m., at the usual meeting place of said Board of Supervisors at 205 West Jefferson Street, in the City of Phoenix, as required by said Arizona Revised Statutes, 1956, and said Board having heard all interested property owners who appeared at said hearing on any matter relating to the establishment of the proposed District, or filed with the Clerk of the Board of Supervisors, before the date for said hearing, and after having heard all of said property owners, said Board of Supervisors finds that said petition is signed by the requisite number

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of owners of real property and further finds that the public convenience, necessity and welfare will be promoted by the establishment of said district, and hereby, by this formal order declares the findings aforesaid, and establishes the boundaries as follows:

Wigwam Creek North Phase 2, as recorded in Book 623, Page 10, MCR and Wigwam Creek North Phase 2B, as recorded in Book 630, Page 17, MCR, subdivisions within the East Half of Section 14, and the Southeast Quarter of Section 11, Township Two North, Range One West, Gila and Salt River Base and Meridian, Maricopa County, Arizona.

And further declares that said district is now established under the name of Wigwam Creek North Phase 2 & 2B Street Light Improvement District, by which name it shall be known in all proceedings hereafter.

Upon motion made and unanimously carried the foregoing order is declared adopted this 15<sup>th</sup> day of December 2004.

/s/ Max W. Wilson, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**ORGANIZE THE CORTESSA SUBDIVISION STREET LIGHTING IMPROVEMENT DISTRICT**

Chairman Kunasek called for a public hearing on this matter, no protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to organize the Cortessa Subdivision Street Lighting Improvement District located in the vicinity of Olive Ave and Citrus Road and appoint the Superintendent of Streets as District Engineer. The districts purpose is establishing street lighting facilities and purchasing electric service for the lighting of the public streets and parks within the area. (C6405174000) (ADM4302)

**ORDER ESTABLISHING  
CORTESSA SUBDIVISION STREET LIGHTING IMPROVEMENT DISTRICT**

A petition having been filed with the Clerk of the Board of Supervisors of Maricopa County, Arizona, praying for the establishment of Cortessa Subdivision Street Lighting Improvement District, under the provisions of Title 48, Chapter 6, Article 1, Arizona Revised Statutes, 1956, and said petition having been presented to the Board of Supervisors on the 15th day of December, 2004 at the hour of 9:00 a.m., at the usual meeting place of said Board of Supervisors at 205 West Jefferson Street, in the City of Phoenix, as required by said Arizona Revised Statutes, 1956, and said Board having heard all interested property owners who appeared at said hearing on any matter relating to the establishment of the proposed District, or filed with the Clerk of the Board of Supervisors, before the date for said hearing, and after having heard all of said property owners, said Board of Supervisors finds that said petition is signed by the requisite number of owners of real property and further finds that the public convenience, necessity and welfare will be promoted by the establishment of said district, and hereby, by this formal order declares the findings aforesaid, and establishes the boundaries as follows:

A resubdivision of a portion of Unit 32 of Romola of Arizona Grapefruit Unit, as recorded in Book 19, Page 20, official Records of Maricopa County, lying within a portion of Section 27, Township 3 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

And further declares that said district is now established under the name of Cortessa Subdivision Street Light Improvement District, by which name it shall be known in all proceedings hereafter.

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Upon motion made and unanimously carried the foregoing order is declared adopted this 15<sup>th</sup> day of December 2004.

/s/ Max W. Wilson, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**PUBLIC HEARING ON AMENDMENTS TO THE MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS, RULE 314**

Chairman Kunasek called for a public hearing, as required by Arizona Revised Statutes (ARS) §49-479(b), to solicit comments on proposed amendments to the Maricopa County Air Pollution Control Regulation, Rule 314, Open Outdoor Fires and to solicit comments on submitting the amended rule as a revision to the (Arizona) State Implementation Plan (SIP). No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the amendments to Rule 314. Following the public hearing to adopt the proposed amended Rule 314, the rule will be submitted as a revision to the (Arizona) State Implementation Plan. (C8805022700) (ADM2357) The complete text is available in the Clerk of the Board's Office.

**6. An explanation of the rule, including the department's reasons for initiating the rule:**

The rule will amend Maricopa County's existing open burning rule to make it conform to EPA's requirements for the state of Arizona's Regional Haze State Implementation Plan (SIP). The Arizona Department of Environmental Quality's final rule, which amended Arizona's existing open burning and prescribed burning rules to conform to Regional Haze SIP requirements, was effective March 16, 2004. Any revisions to Maricopa County's existing open burning rule must also continue to implement best available control measures (BACM) as required by the Clean Air Act for serious PM-10 nonattainment areas. The major revisions to the rule add recordkeeping requirements. The revisions also include technical changes to improve the rule's clarity. The rule includes new definitions such as orchard heaters and emission reduction techniques and also expands on some other selected definitions for clarity.

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RULE 314  
OPEN OUTDOOR FIRES  
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**APPENDIX TO RULE 314**

AIR CURTAIN DESTRUCTOR AND BURN PIT PROCEDURES

**PUBLIC HEARING ON WEST END WATER COMPANY FRANCHISE - CONTINUED**

Item: Franchise (West End Water Company) This is the time scheduled for a public hearing on an application for continuation of existing franchise, filed by West End Water Company for a public service franchise to construct, maintain and operate a domestic water and wastewater distribution/collection systems, consisting of pipe lines, meters, connections, and all necessary equipment within Maricopa County. (Continued from the November 17, 2004 agenda.) (F17643) Staff recommends continuing this item to the January 19, 2005 agenda.

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (5-0) to continue this item to the January 19, 2005, meeting.

**CONTINGENCY FUNDS FOR THE INDIGENT DEFENSE REPRESENTATION PROGRAM**

Per A.R.S. 42-17106, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to transfer expenditure appropriation from FY 2004-05 contingency funds in the amount of \$42,760 (annualized impact is \$66,239) from General Government (470) General Fund (100) General Contingency (4711) to the Clerk of the Superior Court (160) General Fund (100). Approval of this action will allow the Clerk of the Superior Court to provide resources necessary to support Trial Courts' cost-recovery pilot program for indigent defense representation. (C1605005800) (ADM1000-003)

**CONTINGENCY FUNDS FOR A DEPUTY CONSTABLE POSITION - CONTINUED**

Item: Having found that such action is in the public's interest and based upon a demonstrated need, per A.R.S. Section 42-17106(b), approve the expenditure transfer of \$37,297 from General Fund-General Government-General Contingency (100-470-4711) to the Constable's General Fund (100-250-2500) for the second half of FY 2004-05. The transfer would be used to continue funding of one temporary Deputy Constable position for the second half of FY 2004-05, \$16,997. This temporary position is necessary to continue to provide service to the Glendale Justice Court, which does not have coverage at this time. The requested transfer would also be used to employ 1.0 FTE contract Deputy Constable (\$20,301 for the second half of FY 2004-05). The contract position is necessary to continue to provide service to the East

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Phoenix #2 Precinct, which currently lacks coverage. With approval of this item, the Office of Management and Budget will include the annualized cost of the contract position (\$41,011) in the FY 2005-06 Expenditure Budget Target for the Constables. This action would require an appropriation adjustment decreasing General Government Department (470) General Fund (100) budget and increasing Constables Department (250) General Fund (100) budget by \$37,297, for a countywide net impact of zero in FY 2004-05. (C2505002800) (ADM1302)

The Clerk announced that this item has been continued to the January 5<sup>th</sup> meeting.

**CONTRACT WITH SEXUAL ASSAULT NURSE EXAMINERS PROGRAM**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a contract with Sexual Assault Nurse Examiners (SANE) Program to gather evidence and provide courtroom testimony in the prosecution of sexual assaults or sexual abuse matters. The contract term is from October 1, 2004, to September 30, 2007. SANE will be reimbursed \$500 per case. Additional laboratory testing, as required by the law enforcement or the Maricopa County Attorney's Office, may be billed at a maximum of \$100.00 per case. (C1905020)

**RECRUITMENT RECOGNITION REWARD PROGRAM**

In accordance with Section X of the Maricopa County Compensation Plan, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to renew the Sheriff's Office Recruitment Recognition Reward Program as an employee recognition program for FY 2004-05 to allow for the purchase of American Express gift cards (02059-RFP) in denominations of 25 points for maximum award of 50 points per employee per event. These gifts cards have no cash value. The cost of the program is anticipated at \$45,000.00 and will be absorbed in the current expenditure budget of General Government, Sheriff's Office Recruiting Expenses line in the Detention Fund, General Government programs (255-470-4712). The program will cover the period from December 1, 2004 through June 30, 2005. (C5005032M00) (ADM3900-001)

**ADDITION TO THE FLEET OF ONE CREW CAB TRUCK**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a one-time addition to the Sheriff's Office fleet of a 1995, GMC 3500, Crew Cab, 1-ton, long bed, pickup (VIN 1GTHK33N6SF007105) with 52,692 miles, valued at \$13,470. This vehicle will be used by the Sheriff's Office Defense Programs Division (5022), which procures surplus military items for use in Sheriff's Office operations. This vehicle will replace a 1986 Chevrolet Blazer (VIN 1G8ED18J1GF200769) which has been eliminated from the fleet because its useful life has expired. The estimated fuel and maintenance is \$6,000 per year. No vehicle replacement cost is associated with this vehicle since it is a one-time addition to the County fleet and will automatically be removed from MCSO fleet when its useful life has expired with no funding from the General Fund for its replacement. (C5005036M00) (ADM3104)

**ADDITION TO THE FLEET OF A RED-LINED VEHICLE**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a one-time addition to the Sheriff's Office fleet of a red-lined 2000, Chevrolet G-30, 1-ton extended cargo van (VIN 1GCHG39F9Y1246445) vehicle number #32029. This van is scheduled to be taken to auction. This vehicle will be used by the Sheriff's Office Inmate Canteen Division (5920). It has an odometer reading of 109,219 miles with a life expectancy of 125,000 miles, which is expected to take several years to reach. The estimated fuel and maintenance is \$6,000 per year. No vehicle replacement



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cost is associated with this vehicle since it is a one-time addition to the County fleet and will automatically be removed from MCSO fleet when its useful life has expired with no funding from the General Fund for its replacement. (C5005038M00) (ADM3104)

**LAW ENFORCEMENT AND BOATING SAFETY GRANT**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to adopt a Resolution to the Arizona State Parks Board and, if awarded, approve acceptance of a Law Enforcement and Boating Safety Funds not to exceed \$190,000. This grant requires a 50% soft match of \$190,000, which is accommodated through existing budgeted funds. The purpose of this grant is to fund 50% of the salaries and benefits for six (6) existing deputy sheriff positions that provide boating law enforcement on the county lakes and rivers. The estimated award period is July 1, 2005 through June 30, 2006. The Sheriff's indirect costs rate is 14%. These grant funds are the result of ARS 5-383 and indirect cost recovery is not allowed. The unrecoverable indirect costs, associated with this grant are estimated to be \$26,600. (C5005523300)

**RESOLUTION**

**ARIZONA STATE PARKS BOARD FOR LAW ENFORCEMENT  
AND BOATING SAFETY FUND ALLOCATION**

**WHEREAS**, the Legislature under ARS §-383 has authorized the establishment of the Law Enforcement and Boating Safety Fund (LEBSF) providing funds to the Board of Supervisors of Arizona counties for law enforcement and boating safety, and

**WHEREAS**, the Arizona State Parks Board is responsible for the administration of the fund program within the State, setting up necessary rules and procedures governing application by county Boards of Supervisors under the program, and

**WHEREAS**, said procedures established by State Parks require the applicant to certify by resolution the approval of applications, signature authorization, the availability of local matching funds, where appropriate, and

**WHEREAS**, the project will contribute to the law enforcement and boating safety programs of the County:

**NOW, THEREFORE, BE IT RESOLVED** that the Maricopa County Board of Supervisors hereby:

1. Approves the filing of an application for F"Y2—5 Law Enforcement and Boating Safety Fund assistance, and
2. Certifies that Maricopa County will comply with all appropriate state regulations, policies, guidelines, and requirements as they relate to the application, and
3. Certifies that Maricopa County has matching funds in the amount of \$190,000 from the following source(s) General Fund, and
4. Authorizes the Sheriff, or his designee, to act on behalf of the Maricopa County Board of Supervisors in conducting negotiations, executing and submitting all documents including, but not limited to, applications, agreements, and other documents which may be necessary for completion of the LEBSF project.

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**DATED** this 15<sup>th</sup> day of December 2005.

/s/ Andrew Kunasek, Chairman of the Board

**ATTEST:**

/s/ Fran McCarroll, Clerk of the Board

**ACCEPT FUNDING FOR THE HARD KNOCKS HIGH PROGRAM**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve acceptance of continued funding from the Arizona Department of Education (ADE), Title I-D funding for the "Hard Knocks High Program" in the amount of \$61,459. The grant award period is July 1, 2004 through June 30, 2005. The Sheriff's Office indirect cost rate is 14%, \$8,604.26. The max ADE restricted indirect rate is 8%. Recoverable indirect costs associated with this grant are \$4,552.51. Unrecoverable indirect costs associated with this grant are \$4,051.75. (C50055243)

**AUTHORIZE APPLICATION FOR A GRANT FROM THE AZ STATE PARKS BOARD**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to adopt a resolution authorizing the application of grant funding from the Arizona State Parks Board and if awarded, also approve acceptance of a State Lake Improvement Fund grant in an amount up to \$85,081.19. The purpose of this grant request is to fund the purchase of one replacement patrol boat. There is an in-kind match requirement of \$14,000, which will be met by installing radios from the current boat to the new patrol boat. The Sheriff's indirect cost rate is 14%; the unrecoverable indirect costs for this grant are \$11,911.37. The anticipated term of the grant is December 1, 2005 through November 30, 2007. (C50055263)ss

**RESOLUTION**

**APPLICATION FOR STATE LAKE IMPROVEMENT FUNDS FOR  
LAKE PATROL BOAT REPLACEMENT**

**WHEREAS**, the Legislature under ARS §5-382 has authorized the establishment of the State Lake Improvement Fund program, providing funds to the State of Arizona, its political subdivisions for acquiring lands and developing facilities for public boating purposes, and

**WHEREAS**, Arizona State Parks Board (BOARD) is responsible for the administration of the program within the State, setting up necessary rules and procedures governing application by state and local agencies under the program, and

**WHEREAS**, said adopted procedures established by the BOARD require the application to certify by resolution the approval of applications, signature authorization, the availability of local matching fund (if applicable), and authorization to sign a Participant Agreement with the BOARD prior to submission of said applications to the BOARD:

**NOW, THEREFORE, BE IT RESOLVED** that the Maricopa County Board of Supervisors hereby:

1. Approves the filing of an application for FY 20-05 State Lake Improvement fund assistance, and

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2. Certifies that the application is consistent and compatible with all adopted plans and programs of Maricopa County for boating facility and safety developments, and
3. Agrees to comply with all appropriate procedures, guidelines, and requirements established by the BOARD as a part of the application process, and
4. Certifies that Maricopa County will comply with all appropriate state and federal regulations, policies, guidelines, and requirements as they relate to the application, and
5. If applicable, certifies that Maricopa County has in-kind matching funds in the amount of \$14,000 from the following source(s) General Fund, and
6. Authorizes the Sheriff, or his designee, to act on behalf of the Maricopa County Board of Supervisors in conducting negotiations, executing and submitting documents including, but not limited to, applications, agreements, amendments, billing statements, and so on, which may be necessary for the completion of the aforementioned project.

**DATED** this 15<sup>th</sup> day of December 2004.

/s/ Andrew Kunasek, Chairman of the Board

**ATTEST:**

/s/ Fran McCarroll, Clerk of the Board

**TRANSFER OF EXPENDITURE AUTHORITY FOR YOUTH PROGRAMS**

Per A.R.S. 42-17106, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to transfer expenditure authority in the amount of \$71,158 (\$62,172 annualized) from General Government (470) Detention Fund (255) Contingency (4711) to the Juvenile Probation Department (270) Detention Fund (255). With approval of this action, the Department will be able to better place troubled youth in programs that meet their needs, and also keep more juveniles from being unnecessarily detained in Department facilities.

Also approval of this action will require an appropriation adjustment reducing General Government (470) Detention Fund (255) Expenditure appropriation and increasing the Juvenile Probation (270) Detention Fund (255) Expenditure appropriations by \$71,158. (C2705006800) (ADM1400-003)

**RESCIND ACTION REGARDING THE CASE MANAGEMENT FEE**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to rescind, effective as of the date of Board action, Resolution No. (C3804006800) which established an increase to the Case Management Fee (this increase also known as the High Volume Filings Fee). (C3804006801) (ADM1005)

**CAPITAL LEASE FINANCING FOR SECURITY SCREENING EQUIPMENT**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve five-year capital lease financing not to exceed \$123,600, to be used for the purchase of security screening equipment. The equipment will replace outdated equipment at the Old Courthouse, 125 W. Washington and the Southeast Court Complex and Juvenile facility in Mesa. (C38050158)

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**APPOINTMENT OF COURT COMMISSIONERS AS PRO TEMPORE JUSTICES OF THE PEACE**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the appointment of the attached list of Court Commissioners as Pro Tempore Justice of the Peace for the period from January 1, 2005 through December 31, 2005 to serve in the various programs in the Justice Courts to reduce trial delay. (C38050177) (ADM1001)

The list of Court Commissioners appointed as Pro Tempore Justice of the Peace includes: Amiee Anderson, William Anderson, Elizabeth Arriola, David Arrow, Edward Bassett, Jane Bayham-Lesselyong, James Blomo, Nancy Bodinet, Susan Brnovich, Rovert Colosi, David Cunanan, Glenn Davis, Jay Davis, Carl Eckhardt, Jr., Randy Ellexson, Lindsay Ellis, Dean Fink, Colleen French, Barbara Hamner, Myra Harris, Hugh Hegyl, Kristin Hoffman, Steven Holding, Stephen Kupiszewski, Nancy Lewis, Steven Lynch, Sheilia Madden, Kathleen Mead, Mina Mendez, Julie Newell, Richard Nothwehr, Bernard Owens, David Palmer, Eve Parks, Carolyn Passamonte, Wesley Peterson, Gerald Porter, Brian Rees, Birginia Richler, Lisa Roberts, David Sands, Shellie Smikth, Benjamin Vatz, Randall Woodburn and Cristy Wotruba.

**AMEND ACTION REGARDING REIMBURSEMENT RATE FOR BULLETPROOF VESTS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to amend the action taken on June 16, 2004 regarding Year 2004 Bulletproof Vest Partnership grant funding from the Federal Bureau of Justice Assistance. The reimbursement rate should be changed to reflect that funds will be used to reimburse 50% of the costs for bulletproof vests and stab resistant vests for use by county personnel in Adult Probation and Sheriff's Office. All other items pertaining to this grant remain the same. (C20040140) (C2005005300)

**SETTLEMENT WITH ST. LUKE'S MEDICAL CENTER**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the confidential settlement agreement between St. Luke's Medical Center, L.P. (St. Luke's) and Maricopa County that settles certain claims, controversies and disputes related to correctional healthcare issues in litigation: Cause No. CV2003-017379, consistent with the terms of the respective Settlement Agreement, which was reviewed in Executive Session on December 13, 2004. (C39050231) (ADM409)

**PERSONNEL AGENDAS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve Maricopa County (Exhibit A) and Judicial Branch (Exhibit B) Personnel Agendas.

**RENEW SPOT AWARD PROGRAM**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to renew the Peak Performers Program (also known as the Spot Award Program) as a continuing employee recognition program for FY 2004-05, to allow for the purchase of American Express gift cards (02059-RFP) in denominations of 25 points for maximum award of 50 points per employee per event; for both General Fund and Non-General Fund departments, with total program cost of \$801,066: \$318,666 General Fund (\$302,900 in Department allocations plus \$15,766 in administrative fees) and \$485,400 Non-General Fund (see attached department allocation spreadsheet). These gifts cards have no cash value. The General Fund portion of the \$318,666 is budgeted in Dept 470 Fund 100 Org 4712 - Other General Fund Programs line item "Human Resources Peak Performers." The Non General Fund portion of \$485,400 must be absorbed in their budgets by Departments choosing to participate in the Peak

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Performers Program, and this action will not increase the participating departments' appropriations. The program year will cover the period from January 1, 2005, through December 31, 2005. (List of awards is on file in the Clerk of the Board's Office.) (C31050028) (ADM3336)

**SETTLEMENT WITH STEPHEN MERCER**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to authorize settlement of Notice of Claim for wages from Stephen Mercer for \$959.80, as discussed in executive session on November 29, 2004. (C31050037) (ADM409)

**EXEMPTION TO THE LEAVE PLAN FOR PTO CARRY-OVER**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve an exemption to the Maricopa County Leave Plan to allow for the carryover of not-to-exceed amounts of Personal Time Off (PTO) hours in excess of 240 hours at the end of calendar year 2004 for the employees listed below. These employees will be required to utilize the amount of PTO hours that are carried forward by March 31, 2005, or they will be converted to FML hours. Each of the departments listed above will submit a report to OMB by April 15, 2005, confirming the use of the PTO hours. This is a one-time exemption to the Employee Leave Policy, and these employees will not be granted an exemption to carry forward excess PTO hours from CY 2005 to CY 2006. (C35050146) (ADM3320-001)

**Clerk of the Board**

Fran McCarroll

**Elections**

Ken Stahli

**Environmental Services**

Bill Francis  
Donald Bateman  
David Ludwig  
Diane Piar  
Dan Queen  
Sue Brownson  
Stan Snitzer  
Sue Pensiero

**Health Plans**

Pat Haren

**Human Resources**

Joy Cox  
Portia Lomax  
Norma Preciado  
Eileen Williams

**Air Quality**

Paul Bott

**County Counsel**

Jill Kennedy  
Louis Gorman

**AMENDMENT TO THE MANAGEMENT & IMPLEMENTATION AGREEMENT WITH AVONDALE**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve a) an amendment #01 to the Management & Implementation Agreement (MIA) between the City of Avondale and Maricopa County to reprogram (transfer) \$120,637 from the Avondale/Acquisition-Demolition project DG0301 (C17040030) to the Avondale/Sidewalk Construction project, DG0401 (C17050030); and b) amendment #01 to the MIA between the City of Avondale and Maricopa County to increase the contract amount of the Avondale/Sidewalk Construction project DG0401 (C17050030) from \$200,000 to \$320,637. Legal approval of this item is subject to final review of the Management Implementation Agreement. (C1704003001)

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**FUND TRANSFERS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, work authorizations, journal entries, allocations, loans, and paid claims. Said claims having been recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and incorporated herein by this reference.

**SOLICITATION SERIALS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the following solicitation serial items. The action on the following items is subject to County Counsel's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

**Award of Solicitation Serials**

- |                  |  |
|------------------|--|
| <b>04111-C</b>   | <b>VETERINARY EQUIPMENT, SUPPLIES AND PHARMACEUTICALS</b> (\$1,200,000.00 est./ 5 years) Pricing agreement for the purchase of veterinary equipment, supplies and pharmaceuticals for use by the Animal Care and Control Department. <ul style="list-style-type: none"><li>• Merial Limited</li><li>• TW Medical</li></ul>   |
| <b>04132-RFP</b> | <b>COBRA ADMINISTRATION PROVIDER</b> (\$160,200.00 est./ 3 years with 3 one-year renewal options) Pricing agreement to provide COBRA Plan Administration Services to insure Maricopa County meets federal requirements on notifications of qualifying events and ongoing COBRA administration. <ul style="list-style-type: none"><li>• Compusys/Erisa Group Of Companies</li></ul> |
| <b>04169-S</b>   | <b>INSTALLATION OF PERMANENT TRAFFIC SIGNAGE</b> (\$1,200,000.00 est./ 3 years with three one-year renewal options) Pricing Agreement to purchase installation of permanent traffic signage services for MCDOT. <ul style="list-style-type: none"><li>• Hunter Guardrail &amp; Fence Inc</li></ul>   |
| <b>04179-C</b>   | <b>GUARDRAILS AND ACCESSORIES</b> (\$1,500,000.00 est./ 3 years with three one-year renewal options) Pricing agreement to purchase guardrails and accessories for MCDOT. <ul style="list-style-type: none"><li>• Five G Inc</li></ul>  |

**Contract Renewals:**

Renewal of the following contract(s): (Renewals are recommended with the concurrence of the using agency(s) and the vendor(s), upon satisfactory contract performance and, when appropriate, after a market survey is performed).

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- 02146-C      POLICE EQUIPMENT AND SUPPLIES: AMMUNITION RELOADED**  
(\$785,000.00 / est. 2 years) Pricing agreement renewal to purchase reloaded handgun and rifle ammunition for MCSO and other County agencies as required.
- Combat Cartridge Inc

**DONATION FROM MS. DRUSILLA WYLIE**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the acceptance of a donation from Ms. Drusilla Wylie, 2952 E Nora St, Mesa, AZ 85213 to Animal Care & Control (AC&C) in the amount of \$500. Donation revenue funds are deposited into Fund 573 as they are received. (C7905048700) (ADM2300)

**DONATION FROM HEATHER FRAZIER**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the acceptance of a donation from Heather Frazier, proprietor of A Magickal Moon, 1717 E Broadway Rd., Tempe, AZ 85282 to Animal Care & Control (AC&C) in the amount of \$300, plus handcrafted toys for the cats and dogs. Donation revenue funds are deposited into Fund 573 as they are received. (C7905049700) (ADM2300)

**KENNEL PERMIT FOR RUTH STAGGS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the issuance of a kennel permit for Ruth Staggs, d.b.a. Stagg Kennels, 925 S. 4th St., Avondale, AZ 85323, District 5 for the term of December 15, 2004 through December 14, 2005. The cost of a kennel permit is \$90.00. (C7905050C00) (ADM2304)

**CONTRACT WITH AZ WOMEN'S EDUCATION AND EMPLOYMENT, INC.**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Maricopa County Human Services Department, Workforce Development Division to award a contract to Arizona Women's Education and Employment, Inc., to provide services for the Workforce Investment Act Displaced Homemaker Program for the 2004-2005 program year. The Displaced Homemaker Program is for individuals meeting Workforce Investment Act (WIA) criteria. This program will include job training, educational opportunities and assistance with job placement for low-income displaced homemakers, age 18 and above. Funds for this program will be allocated from the Workforce Investment Act of 1998, Title I funds. Funding is available in an amount not to exceed 380,000 (\$305,000 for program services and \$75,000 in performance Incentives). (C22051141)

**APPOINT MEMBERS TO THE RYAN WHITE COUNCIL**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to appoint four (4) members to the Central Arizona Ryan White Title I Planning Council, as follows:

<u>Name</u>	<u>Representation Category</u>	<u>Term</u>
Maclovia Zepeda (replaces Louie Tapia)	Service Provider	1/1/05 – 12/30/06

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Bertha Sintillo	General Public	1/1/05 – 12/30/06
Stacy Marden (representing Pinal County)	Institutional Member	1/1/05 – 12/30/06
MiAsia Pasha	General Public	1/1/05 – 12/30/06

In accordance with Article IV, Sections 1, 2 4, and 9, of the Bylaws of the Maricopa County Ryan White Title I Planning Council, adopted by the Board of Supervisors on 6/5/96, and last amended by the Board in October 2004, the Central Arizona Ryan White Title I Planning Council forwards the above recommended nominees for appointment as Planning Council members. The Membership Committee has identified and recommended the candidates to represent several categories consistent with the Bylaws. (C86055599) (ADM2153-001)

**AMENDMENT TO ACTION REGARDING LEASE WITH CARLSBERG PROPERTIES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve an amendment to agenda item C8600032400, dated November 19,1999, which approved Lease No. L-7291 with Carlsberg Properties Ltd. Lessor, for 15,189 square feet of office space at 926 E. McDowell, Phoenix, housing Public Health administrative offices and a medical clinic. Effective November 1, 2004, the building for the subject lease was sold to Alsace LLC with offices at Newport Beach, California. All terms of the lease remain the same, with only the ownership of the building and the leases changing hands. As such, this is an informational request. (C8600032401)

**CONTRACT WITH PFIZER PHARMACEUTICALS' SHARE THE CARE PROGRAM**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve contract addendum to the 2005 Pfizer Pharmaceuticals' SHARE THE CARE program, which provides specific Pfizer pharmaceuticals at no charge to HealthCare for the Homeless clients. MCDPH Pharmacy currently handles the inventory for this program and the addendum will change the current product replenishment system from a formula to a pill-for-pill replenishment. The addendum will also revise patient eligibility from income at or below 100% of the Federal Poverty Level (FPL) to income at or below 200% of the FPL. The 2005 addendum will have no financial impact on MCDPH, as all product is donated through Pfizer and MCDPH Pharmacy can balance the increased labor costs of filling a larger number of prescriptions under this program with a reduction in labor costs due to streamlined inventory control. (C8605554000)

**ACCEPT DONATIONS TO THE FAMILY PLANNING PROGRAM**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to retroactively approve acceptance of donations to the Family Planning program at the Department of Public Health from clients receiving family planning and reproductive health services in the amount of \$5,407 for the month of October 2004 and expenditures of same. This amount is included in the Special Revenue budget (Fund 265) for FY 2005, therefore, no expenditure or revenue adjustment is needed. Donations are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. (C8605557M00) (ADM2150)



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**AMENDMENT #4 TO THE LEASE WITH CITY CENTER INVESTMENT**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve and execute the forth amendment to Lease No. L-7165 with City Center Investment, Lessor, for a 3,600 square foot WIC facility located at 423 N. Country Club Drive, Mesa. The lease term is for five (5) years commencing February 1, 2005 through January 31, 2010. The cost of the lease over the 5 year period is \$243,000 plus rental tax. This agreement contains a 90-day termination clause and grants Lessee the right to holdover for six months at the effective rate at time of lease termination. All other terms and conditions remain the same. (C8605558400)

**CHANGE ORDER #5 WITH LAYTON CONSTRUCTION COMPANY**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Change Order No. 5 to Contract CFD 03-02 with Layton Construction Company of Arizona for construction of the Northeast Superior and Justice Courts Design-Build Project No. 2002320930 (3853-05-027), located at 40th Street and Union Hills Drive in Phoenix, in an amount of \$54,150. Change Order No. 5 will allow for various changes needed to allow the Superior Courts and Justice Courts which will be located in this facility to fulfill their various missions in the most efficient manner possible. Change Order No. 5 is budgeted in FY 2005 General Fund County Improvements, Fund 445, Agency 479, Org. 4713, Object 0915, Function Class CNRT (C7005003502)

**ENGINEERING SERVICES CONTRACT WITH CAROLLO ENGINEERS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a engineering services contract with Carollo Engineers, not to exceed \$67,335, for design update, constructability review, and construction administration services, for the Buckeye Hills Shooting Range (Infrastructure), Project BH02-05-011. The Buckeye Hills Shooting Range(Infrastructure), project site is located on Arizona State Road 85, south of Buckeye. The requested contract award is based on a "Sole Source" procurement justification in consideration of extensive previous work performed on the project by Carollo Engineers. The project is budgeted in FY 2005 Intergovernmental Capital Projects, Fund 422, Agency 477, Org. 4713, Object 0915, Function Code BBHS. (C7005028500)

**DESIGN-BUILD CONSTRUCTION CONTRACT FOR THE SOUTHEAST CONSOLIDATED JUSTICE COURTS/PARKING STRUCTURE – WITHDRAWN**

Item: Authorize the Public Notice legal advertisement and award a design-build construction contract for Southeast Consolidated Justice Courts/Parking Structure- Project #2827-05-063, if the guaranteed maximum price is not more than ten percent (10%) over the independent estimate. The new Justice Courts building and parking structure will be located in Mesa at the corner of East Coury Avenue and South A Street, near the existing Superior Courthouse. The project is budgeted in FY2005 Five Year Capital Improvement Plan:

- a) Year 1 (FY 2004-05) Fund 435, Agency 478, Org. 4713, Object 0915, Function Class SEJC - \$8,000,000;
- b) Year 2 (FY 2005-06) Fund 435, Agency 478, Org. 4713, Object 0915, Function Class SEJC-\$2,965,000;
- c) Year 2 (FY 2005-06) Fund 445, Agency 479, Org. 4713, Object 0915, Function Class SEJC - \$6,125,000;
- d) Year 2 (FY 2005-06) Fund 422, Agency 477, Org. 4713, Object 0915, Function Class SEJC - \$2,410,000. C7005029500

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The Clerk announced this item has been withdrawn.

## **AMENDMENTS TO THE FIVE-YEAR CAPITAL IMPROVEMENT PLAN**

In accordance with A.R.S. Section 42-17106(B), motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to authorize the following amendments to the FY 2004-05 Five-Year Capital Improvement Plan, Fund 422, Department 470:

- a) Increase FY 2003-04 projected expenditures to final actual expenditures for the Environmental Services Facility, Function Class SESB, Fund 422, by \$199,243 from \$284,483 to \$483,726 and adjust the project budget as follows: decrease Year 1 (FY2004-05) by \$199,243, from \$2,180,000 to \$1,980,757.
- b) Increase FY 2003-04 projected expenditures to final actual expenditures for the Human Services Campus, Function Class HHSC, Fund 422, by \$167,710 from \$1,906,098 to \$2,073,808 and adjust the project budget as follows: decrease Year 1 (FY2004-05) by \$167,710 from \$16,596,000 to \$16,428,290.
- c) Increase FY 2003-04 projected expenditures to final actual expenditures for the Sheriff's Property & Evidence Warehouse, Function Class SSPW, Fund 422, by \$87,916 from \$6,185,543 to \$6,273,459 and adjust the project budget as follows: decrease Year 1 (FY2004-05) by \$87,916 from \$306,547 to \$218,631.
- d) Add the Elections Facility project, Function Class FELF, Fund 422 to the 5-Year CIP budget. Decrease FY 2003-04 projected expenditures to final actual expenditures for the Elections Facility, by \$2,272, from \$2,950,000 to \$2,947,728 and adjust the project budget as follows: create a line item in Year 1 (FY 2004-05) in the amount of \$2,872. The total project budget will be increased by \$600 from \$3,081,284 to \$3,081,884. The original project budget was \$3,300,000.
- e) Reduce Year 1 (FY 2004-05) Project Reserve, Fund 422 by \$600 from \$534,657 to \$534,057.

The requested action is necessary because the actual spending during FY 2003-04 was more than anticipated. The requested action has a net impact of reducing the current year project budgets in Fund 422 by \$452,597. (C7005030800) (ADM1820)

## EASEMENT, RIGHTS-OF-WAY AND RELOCATION DOCUMENTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors' action. List on file in the Office of the Clerk of the Board of Supervisors. (ADM2007)

- |                   |  |
|-------------------|--|
| A078.014<br>(LJS) | Project No: TT028 – PM10 / 11th Avenue (Galvin Street to Cloud Road) – Easement and Agreement for Highway Purposes – Parcel No.: 211-54-025M – Thomas G. Reyes and Valerie J. Taylor – for the sum of \$17,700.00. |
| A078.014<br>(LJS) | Project No: TT028 – PM10 / 11th Avenue (Galvin Street to Cloud Road) – Purchase Agreement and Escrow Instructions – Parcel No.: 211-54-025M – Thomas G. Reyes and Valerie J. Taylor.                               |
| A310.003<br>(JPM) | Project No: TT028 – Arlington Road (188th Avenue to 186th Avenue) – Easement and Agreement for Highway Purposes – Parcel No.: 400-52-126D – Earl E. Urwiller and   |

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Deborah K. Urwiller – for the sum of \$4,610.00.

A310.003      Project No: TT028 – Arlington Road (188th Avenue to 186th Avenue) – Purchase  
(JPM)          Agreement and Escrow Instructions – Parcel No.: 400-52-126D – Earl E. Urwiller and  
Deborah K. Urwiller.

TE-177        Project No: TE 177– Old US 80 (Hazen Road & Wilson Avenue) – Agreement for Right  
(EGA)          of Entry – Parcel No.: 401-09-012A portions of – William J Kerr and Sine R Kerr – for  
the sum of \$500.00.

X-0455-1B    Project No: 68934 – Scour Protection of Old U.S. 80 Highway Bridge at Hassayampa  
(LJS)          River – Agreement for Right of Entry – Parcel No.: 401-28-002B, 010A and 010C –  
Murray A. Johnson and Lola J. Johnson, as Trustees – for the sum of \$500.00.

**TRAFFIC CONTROL CHANGES - WITHDRAWN**

- a.      Approve a change in traffic controls (Four Way Stop) on unincorporated right-of-way at the following location: A Four Way Stop (from a Two-Way north/south Stop) at Northern Avenue & 99th Avenue. (This rescinds the change back from a 2-way Stop in 1994.) (C6405175500) (F23134)
- b.      Approve a change in traffic controls (Four Way Stop) on unincorporated right-of-way at the following location: A Four Way Stop (from a Two-Way north/south Stop) at Northern Avenue & Reems Road. C6405176500 (F23134)
- c.      Approve a change in traffic controls (Four Way Stop) on unincorporated right-of-way at the following location: A Four Way Stop (from a Two-Way north/south Stop) at Northern Avenue & Sarival Avenue. C6405177500 (F23134)

The Clerk announced that this item has been withdrawn.

**ANNEXATION OF RIGHT-OF-WAY BY CITY OF PHOENIX**

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the annexation by the City of Phoenix of County right-of-way within: 27th Ave from 500' north of Baseline Road monument line to South Mountain Avenue and Baseline Road from 27th Avenue to approximately 35th Avenue. In accordance with Ordinance G-4651. (C6405164500) (ADM4213)

**ANNEXATION OF RIGHT-OF-WAY BY THE CITY OF GILBERT**

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the annexation by the City of Gilbert of County right-of-way within: The North 33 feet of Ray Rd from Power Rd, West approx. ½ mile. In accordance with Ordinance No 1579. (C6405170500) (ADM4206)

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**IRRIGATION EASEMENT FOR SALT RIVER PROJECT**

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the granting of an easement to Salt River Project for irrigation purposes on County property located on 99th Avenue and Campbell. (C6405178500) (ADM2013)

**CHANGE ORDER #22 WITH DAVID EVANS AND ASSOCIATES**

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Change Order No. 22 to Contract No. CY 1999-44 with David Evans & Associates, Inc. in an amount not to exceed of \$23,973.44 to perform Phase 3M1, Part of T6N R5E of the GDACS project, T013. This change order will increase the contract amount by \$23,973.44 for a total revised contract amount of \$1,401,961.09. (C6499273522)

**CHANGE ORDER #8 WITH URS CORPORATION AND AMEND THE CIP**

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Change Order No. 8 to Contract No. CY 2001-36 with URS Corporation, in an amount not to exceed \$359,990 for the SR 303L from I-10 to US 60 project, Work Order No. 69016, project T-109. It is also requested that this change order become retroactive effective December 6, 2004.

Also, approve an amendment to the current FY 2004-05 five-year CIP for Fund 234 – Transportation Capital Projects Fund adopted by the Board on July 12, 2004 by decreasing the FY 2005 capital budget for the following project: - Project T039, PM10: Box Bar & Needle Rock (MCDOT # 16216) capital budget by \$155,000.

And, adjust the following project by increasing the FY 2005 (Year 1) capital budget for: - Project T109, loop 303: Indian School - Clearview (MCDOT # 69016) capital budget by \$155,000

The requested adjustment is necessary to realign the project budget to more closely match the year-end projected expenditure amount, and results in a net impact of zero. (C6401241508)

**CHANGE ORDER NO. 19 WITH EDWARD KRAEMER & SONS**

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approval of Change Order No.19 to Contract No. CY 2003-22 with Edward Kraemer & Sons, Inc., to compensate Contractor in the sum of \$650,000.00, as a final and complete settlement of issues discussed in a MCDOT/EKS meeting held October 22, 2004. Approval of Change Order will also grant a 31 day extension of contract time, to end December 31, 2004, in order to process payment on this change order and to complete other closeout documentation of entire project T058. (C6403037519)

**AMENDMENT #1 TO CONTRACT WITH OZ ENGINEERING**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Amendment No. 1 to On Call Intelligent Transportation Systems services, Contract No. CY 2004-49 with OZ Engineering, LLC, which will extend the performance period of the contract by one year through February 28, 2006; it is also requested that the contract amount be increased in an amount not to exceed \$100,000 for a new revised contract amount of \$250,000. This item is subject to approval by County Counsel of the final form of the contract. (C64041695)

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**SALE OF EXCESS PROPERTY TO WATSON & 85 18 AC**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the sale of Maricopa County Department of Transportation property, known as MCDOT Parcel Number W-5905-EX to Watson & 85 18 AC, a Limited Liability Company for \$39,734.00 by signing the escrow documents and Special Warranty Deed. This parcel is a remnant parcel from the Watson Road widening project approved by the Board to sell on Agenda item #C6404247500 (C6405159500) (ADM2005)

**SALE OF EXCESS PROPERTY TO LESLIE M. AND ELEANOR S. GRANDY**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the sale of Maricopa County Department of Transportation property, known as MCDOT Parcel Number W-5907-EX to Leslie M. Grandy and Eleanor S. Grandy, husband and wife, or Leslie M. Grandy and Eleanor S. Grandy, as Co-Trustees of the Leslie M. and Eleanor S. Grandy Revocable Trust for \$44,013.00 by signing the escrow documents and Special Warranty Deed. This parcel is a remnant parcel from the Watson Road widening project approved by the Board to sell on Agenda item #C6404247500. (C6405161500) (ADM2005)

**INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF CHANDLER**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following:

- a) An Intergovernmental Agreement between Maricopa County and the City of Chandler for cost-sharing on improvements to Gilbert Rd from the Santan Freeway (Loop 202) to Pecos Rd and Pecos Rd from Gilbert Rd to 1/4 mile west. The City and County share jurisdiction over the roads within the project site and the adjoining lands. The City is the lead agency for design, construction and construction management. The County is a financial participant only. The total cost of the project is estimated at \$6,806,120. The County's share, \$1,630,000 represents 25% of the total project cost less the cost of enhancements that exceed MCDOT standards. The project is scheduled for construction beginning in FY05.
- b) Also approve the addition of this project T187, Gilbert Rd: Loop 202-Pecos to the Department of Transportation's FY05 TIP (CIP) budget and establish the project budget at \$1,630,000.
- c) Also, approve an amendment to the current FY 2005-09 five-year CIP for Fund 234 - Transportation Capital Projects Fund adopted by the Board on July 12, 2004 by decreasing the FY 2005 (Year 1) capital budget for the following projects:

Project T169, SR303 Safety Improvements capital budget by \$1,000,000; and Project T001, TIP Program Management capital budget by \$630,000; for a net impact of zero. (C6405163000)

**SELL AT AUCTION A PARCEL NEAR BASELINE AND 27<sup>TH</sup> AVE. – WITHDRAWN**

Item: Authorize the department to sell at public auction a parcel of land located near the southwest corner of Baseline Road and 27th Avenue. Said parcel is approximately 2.65 Acres in size and is identified as

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Assessors Parcel Number 300-14-001N. A value for the property will be determined by an appraisal prior to the auction. (C6405165500) (ADM2005)

The Clerk announced that this item had been withdrawn.

**AGREEMENT WITH SUN CITY WEST FIRE DISTRICT**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the Agreement between Maricopa County and the Sun City West Fire District for Fire Preemption Equipment Installation and Maintenance on County owned Traffic Signals. The Agreement will not exceed five (5) years unless extended by appropriate actions by the County and the Fire District. Either party may terminate this Agreement at any time prior to the end of its duration by furnishing the other party with a written notice ninety days prior to the termination date. (C6405168200) (ADM4415)

**PURCHASE 5 ONE-TON SERVICE UTILITY TRUCKS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to request to purchase five (5) one ton service utility trucks for the MCDOT/Surprise Bell Road Incident Response Management Program and approval to add two (2) of these trucks to the County fleet. Per the Intergovernmental Agreement between Surprise and MCDOT, three (3) trucks are allocated to Surprise and two (2) trucks are allocated to MCDOT. There is \$225,000 budgeted in FY2005 for this purchase under MCDOT Work Order TER306. (C6405169) (ADM2000-002) (ADM3104)

**INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ARIZONA**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve an Intergovernmental Agreement between Maricopa County and the State of Arizona, pending concurrence of the Joint Legislative Budget Committee on December 16, for the expenditure of up to \$5 million in State transaction privilege tax dollars for the purpose of financing improvements to a County highway approaching and traversing the 115th Ave. Bridge in accordance with the provisions of 2004 SB1123. Maricopa County would undertake the improvements and be reimbursed for its expenses up to \$5 million in 12 equal, annual payments of \$416,667 beginning in FY 2008. The improvements will enhance access to the Phoenix International Raceway. MCDOT will spend up to \$100,000 of its own funds on design and site evaluation bringing the total project cost to \$5.1 million. The agreement secures a financing mechanism for the project but does not commit the County to carry out the project which is still in planning and design. (C6405171200)

**AGREEMENT WITH PHOENIX SPEEDWAY CORP**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve an agreement between Maricopa County and Phoenix Speedway Corp. ("PSC") owners of the Phoenix International Raceway ("PIR") that requires PSC to fully reimburse Maricopa County for any costs the County may incur pursuant to the County's agreement with the State of Arizona regarding financing of roadways approaching the 115th Ave Bridge if PSC voluntarily conveys to another party a majority interest in PIR on or before June 30 2014. (C6405172100)

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**CALL FOR BIDS AND AWARD CONTRACT FOR PHASE II OF ELLSWORTH RD – UNIVERSITY TO MCLELLAN**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the solicitation for bids for the construction of Phase II of Ellsworth Rd: University to McLellan, Project T062, (MCDOT # 68902), and approve the award of a contract to the lowest responsive bidder, providing that the lowest responsive bid does not exceed the Engineer's estimate by more than 10%. C6405179500

**CALL FOR BIDS AND AWARD CONTRACT FOR PHASE I OF ELLSWORTH RD**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the solicitation for bids for the construction of Phase I of Ellsworth Rd: Germann to Baseline, Project T068, (MCDOT # 68927), and approve the award of a contract to the lowest responsive bidder, providing that the lowest responsive bid does not exceed the Engineer's estimate by more than 10%. Phase I Improvements consist of reconstructing Ellsworth Road, between Germann Road and Ray Road, to a four-lane (plus a median) arterial street. A third south-bound lane will be constructed along Williams Gateway Airport (WGA). Improvements also include construction of 3 miles of landscaped Ellsworth Channel which outfall into the Powerline Floodway, signalization of Germann Road intersection, upgrading WGA driveway areas to collector standards, and installation of storm drainage system. Construction time is estimated 14 months. (C6405180500)

**CALL FOR BIDS AND AWARD CONTRACT FOR PHASE II OF ELLSWORTH RD—GERMANN TO BASELINE**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the solicitation for bids for the construction of Phase II of Ellsworth Rd: Germann to Baseline, Project T068, (MCDOT # 68927), and approve the award of a contract to the lowest responsive bidder, providing that the lowest responsive bid does not exceed the Engineer's estimate by more than 10%. Phase II Improvements consist of reconstructing Ellsworth Road, between Ray Road and Elliot Road, to a four-lane (plus a median) arterial street, and reconstructing 1/3 mile of Elliot Road west of Ellsworth Road to adjoin ADOT SanTan Freeway improvements. Improvements also include installation of a box culvert north of Elliot Road, and reconfiguration of the signal system at Elliot Road intersection. Construction time is estimated at 12 months. (C6405181500)

**CONTRACT WITH HDR, INC.**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to award On Call Contract No. 2004-124 with HDR, Inc. for pending and new projects requiring On Call Services for Transportation System Plan & Transportation Needs. The contract is effective for seven hundred thirty (730) calendar days following the Board of Supervisors approval or until the expenditure of \$500,000.00, whichever occurs first. (C6405182500)

**MARICOPA INTEGRATED HEALTH SYSTEM PERSONNEL AGENDA**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Maricopa Integrated Health Systems Personnel Agenda (Exhibit F)

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<b>Name</b>	<b>Old Rate</b>	<b>New Rate</b>	<b>Class Title</b>	<b>Code</b>	<b>Effective Date</b>
<b>Dept: 60 Health Plans</b>					
Balcom,Stephanie A	\$0.00	\$13.66	Dept Admin Assistant	Nhr	12/1/2004
Cross,Ronald D	\$25.21	\$26.72	Decision Support Analyst	Adv	8/30/2004
Deleon,Yolanda S	\$16.20	\$17.17	Supervisor Claims	Swa	8/29/2004
Duran,Frances M	\$15.50	\$17.05	Claims Research & Recov.	Swa	11/19/2004
Eick,Mary L	\$16.99	\$17.67	Altcs Case Manager	Cor	7/27/2004
Gonzales,Miguel J	\$23.22	\$23.92	Business Systems Analyst	Adv	8/30/2004
Granda,David	\$20.53	\$21.76	System Programmer Analyst	Adv	8/30/2004
Hardiman,Patricia J	\$26.00	\$27.56	Adult Health/Epsdt Coord	Adv	11/21/2004
Lippman,Glenn	\$0.00	\$88.46	Managed Care Medical Dir	Nhr	11/29/2004
Nillo,Sylvia J	\$0.00	\$10.28	Prior Authorization Coord	Nhr	11/29/2004
Powell,Geia M	\$0.00	\$14.00	Claims Processor II	Nhc	11/22/2004
Salazar,Peter J	\$24.04	\$24.76	Financial Analyst	Adv	8/30/2004
Sanchez,Pearl A	\$0.00	\$9.74	Prior Authorization Coord	Nhr	11/29/2004
Sartor,Lynn H	\$0.00	\$52.88	Director Pharmacy	Nhr	11/30/2004
Sinkeus,Linda D	\$27.34	\$29.26	Utilization Mgmt Coord	Swa	8/15/2004
Thomas,Valerie E	\$27.36	\$28.45	Altcs Case Mgmt. Manager	Cor	8/30/2004
Williams,Monique	\$0.00	\$16.19	Altcs Case Manager	Nhr	11/22/2004
<b>Dept: 90 Maricopa Medical Center</b>					
Acosta,Priscilla	\$0.00	\$7.88	Ltc Attendant (F)	Reh	11/30/2004
Aguilar,Marisela	\$34.28	\$30.28	Registered Nurse	Dem	11/21/2004
Alam,Payam	\$0.00	\$10.09	Sitter	Nhc	11/22/2004
Albaffro,Sarah N	\$0.00	\$7.88	Ltc Attendant (F)	Nhc	9/20/2004
Albright,Ricky K	\$12.37	\$16.44	Pharmacy Business Coord.	Pro	11/8/2004
Balcazar-Mendoza,P	\$0.00	\$30.28	Registered Nurse	Nhr	11/22/2004
Birchak,Julie B	\$34.25	\$29.51	Registered Nurse	Coa	11/21/2004
Blanford,Toni L	\$21.16	\$22.22	Radiology Technol Lead	Cor	8/15/2004
Bohenkamp,Connie	\$0.00	\$20.00	Licensed Practical Nurse	Reh	11/22/2004
Bolding,Teresa A	\$0.00	\$28.23	Registered Nurse	Nhr	11/22/2004
Brown,Deborah A	\$0.00	\$8.97	Evs Associate	Nhr	11/22/2004
Carey,John	\$0.00	\$7.22	Ltc Attendant (F)	Nhc	11/30/2004
Cole,Connie R	\$10.81	\$10.81	Charge Entry Clerk	Coa	11/22/2004
Cook,David A	\$0.00	\$18.50	Certified Therapist II	Nhc	11/22/2004
Dahl,Robert J	\$0.00	\$20.53	Registered Nurse	Nhr	11/22/2004
Day,Ima J	\$0.00	\$23.10	Rn Coord./Case Manager	Reh	11/23/2004
Escalante,Ernestina	\$0.00	\$7.88	Ltc Attendant (F)	Nhc	11/30/2004
Espinoza-Ramirez,Jua	\$0.00	\$7.47	Evs Associate	Nhr	11/24/2004
Fuchs,Debby A	\$8.94	\$7.50	Ltc Attendant (F)	Rea	8/16/2004
Gettys,Monika C	\$7.50	\$8.19	Ltc Attendant (F)	Ic	11/15/2004
Goetsch,Patricia A	\$0.00	\$10.09	Sitter	Nhc	11/22/2004
Gray,Peggy A	\$17.72	\$22.26	Manager Environmental Svc	Pro	11/21/2004
Harwell,Carol A	\$0.00	\$48.08	Director Business Office	Nhr	11/22/2004
Healey,Nina J	\$14.92	\$15.52	Appoin. Scheduler Clerk	Adv	11/21/2004
Hernandez,Oralia	\$0.00	\$8.99	Ltc Attendant (F)	Reh	11/30/2004
Hewes,Toni R	\$0.00	\$20.53	Registered Nurse	Reh	11/22/2004
Hook,Tracey D	\$26.80	\$27.87	Quality Assurance Analyst	Adv	8/29/2004
Hooker,Paul	\$12.81	\$13.32	Security Officer	Adv	8/29/2004
Hooks,Lily B	\$7.50	\$7.22	Ltc Attendant (F)	Cor	9/7/2004



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Hoza, Kathleen M	\$0.00	\$12.00	Medical Office Recep.	Nhc	11/22/2004
Johnson, Anita L	\$0.00	\$11.87	Registration Specialist	Nhr	11/22/2004
Jones, Myron K	\$17.00	\$15.60	Pharmacy Tech Certified	Dem	10/11/2004
Kibler, William J	\$13.98	\$19.36	Lis Coordinator	Pro	11/21/2004
Lamontagne, Diana L	\$0.00	\$30.28	Registered Nurse	Reh	11/21/2004
Leal, Josephine F	\$30.28	\$36.00	Registered Nurse	Coa	11/21/2004
Lira, Alma G	\$0.00	\$10.60	Registration Specialist	Nhr	11/28/2004
Martinez, Yanira	\$0.00	\$7.88	Ltc Attendant (F)	Nhc	11/30/2004
Mccreary, Aletha N	\$0.00	\$17.72	Technologist	Nhr	11/22/2004
Mendoza, Rene	\$23.00	\$20.87	Ct Tech	Coa	11/21/2004
Merritt, Lorraine	\$0.00	\$25.50	Ct Tech	Nht	11/22/2004
Mikkila, June A	\$0.00	\$34.86	Manager Employee Health S	Reh	11/22/2004
Miller, James L	\$0.00	\$12.00	Patient Care Assistant	Nhr	11/22/2004
Miller, Kerrie L	\$8.94	\$9.34	Ltc Attendant (G)	Ic	11/1/2004
Miyazaki, Annie	\$21.64	\$22.51	Contract Specialist	Adv	11/7/2004
Parrish, Wendy A	\$8.99	\$7.88	Ltc Attendant (F)	Rea	9/26/2004
Perez, Michelle A	\$13.99	\$14.22	Supervisor Edm System/Adm	Cor	11/7/2004
Potts, Ronald S	\$21.04	\$18.94	Supervisor Environment Sv	Ach	11/21/2004
Ricci, Tina Marie	\$12.95	\$13.62	Lab Assist/Phlebotomist	Cor	9/27/2004
Robinson, Leeann	\$0.00	\$7.22	Ltc Attendant (F)	Reh	11/15/2004
Rodriguez, Carolina	\$0.00	\$14.30	Medical Assistant	Nhc	11/22/2004
Rodriguez, Maria S	\$0.00	\$10.65	Registration Specialist	Nhr	11/21/2004
Sanchez, Delanea M	\$0.00	\$11.74	Lab Assist/Phlebotomist	Nhr	11/22/2004
Sandoval, Angela	\$0.00	\$7.23	Transporter	Nhr	11/22/2004
Stephens, Emma M	\$16.45	\$13.16	Licensed Practical Nurse	Coa	11/21/2004
Stoner, Gina A	\$31.48	\$34.63	Project Mng. Compliance	Pro	11/7/2004
Strzalka, Kim M	\$0.00	\$30.28	Registered Nurse	Nhr	11/22/2004
Thirdegill, Marie	\$12.00	\$12.48	Staffing Coord	Adv	11/21/2004
Towns, Mark A	\$12.05	\$15.23	Psych Tech	Coa	11/21/2004
Trujillo, Mary A	\$8.99	\$7.88	Ltc Attendant (F)	Rea	10/28/2004
Van	\$0.00	\$15.13	Psych Tech	Nhr	11/22/2004
Vasquez, Felix	\$0.00	\$7.88	Ltc Attendant (F)	Nhc	11/2/2004
Velasco, Virginia	\$12.16	\$12.46	Medical Office Recep.	Cor	11/10/2004
Webb, Lorraine A	\$28.23	\$29.51	Registered Nurse	Cor	8/15/2004
Zwart, Christopher	\$21.97	\$33.00	Registered Nurse	Coa	11/21/2004

**Key to Medical Codes**

Ach	Assignment Change	Adv	Salary Advancement	Asw	Sp. Work Assign Adj
Cnl	Cancel Appointment	Coa	Change Of Appointment	Cor	Correction
Crn	Contract Renewal	Dec	Deceased	Dem	Demotion
Dis	Dismissed	Exc	Expiration Of Contract	Exp	Expiration Of Appt
Lex	Leave Exp (Sep W/O Prej)	Nhc	New Hire Contract	Nhr	New Hire Regular
Nht	New Hire Temporary	Nhu	New Hire Unclass	O	Other Change
Pro	Promotion	Ras	Reassignment	Rcd	Rescind
Reh	Rehired	Rel	Released	Res	Resigned
Ret	Retired	Rif	Reduction In Force	Ris	Reinstatement
Rup	Ret Unsuc Comp/Prob	Sus	Suspension	Swa	Spcl Work Assgn
Ssc	Spcl Status Change	Swr	Ret Spcl Work Assign	Trn	Transfer From County
Ttc	Transfer To County				

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**AMENDMENT #7 TO THE ACUTE CARE REVENUE CONTRACT**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to retroactively approve amendment #7 to the acute care revenue contract with the Arizona Health Care Cost Containment System (AHCCCS). This amendment is effective October 1, 2004. Amendment #7 enacts various language changes/revisions, most prompted by the CMS. AHCCCS may terminate this contract upon 90 days prior written notice. This contract can be assigned only with the prior written approval of AHCCCS. (C60040942)

**FUNDS FOR PHYSICAL, OCCUPATIONAL, AND SPEECH THERAPY SERVICES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a pool of funds for physical, occupational, and speech therapy services (therapy pool) for a NTE amount of \$250,000 for the period December 1, 2004 through December 31, 2006. This pool will fund the services received under the new contracts for physical therapy with NovaCare Outpatient Rehabilitation West, Inc. (C60050281), Los Ninos Hospital Therapy Services (C60050301), and Physicians Physical Therapy Service, Southwest IPA (C60050311) plus any additional physical therapy contractors added to the network. (C6005004100)

**CONTRACT WITH NOVACARE OUTPATIENT REHABILITATION WEST**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a contract with NovaCare Outpatient Rehabilitation West, Inc. for Therapy Services, effective upon Board of Supervisors approval through August 31, 2006. The NTE is a % of the Therapy Pool. The rate is 90% of the AHCCCS ffs. The Contract may be extended for a total term of up to five years and may be terminated by either party with 90 days written notice. Maricopa County may, upon 90 days prior written notice, and without the consent of the other party hereto, assign this Contract. This item is subject to approval by County Counsel of the final form of the contract. (C6005028100)

**CONTRACT WITH PHYSICIANS PHYSICAL THERAPY SERVICE**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a contract with Physicians Physical Therapy Service, Southwest IPA (PPTS) for Therapy Services, effective upon Board of Supervisors approval through August 31, 2006. The rate is 90% of the AHCCCS ffs. The Contract may be extended for a total term of up to five years and may be terminated by either party with 90 days written notice. Maricopa County may, upon 90 days prior written notice, and without the consent of the other party hereto, assign this Contract. This item is subject to approval by County Counsel of the final form of the contract. (C6005031100)

**CONTRACT WITH LOS NINOS HOSPITAL THERAPY SERVICES**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a contract with Los Ninos Hospital Therapy Services for Therapy Services, effective upon Board of Supervisors approval through August 31, 2006. The NTE is a % of the Therapy Pool. The rate is 100% of the AHCCCS ffs. The Contract may be extended for a total term of up to five years and may be terminated by either party with 90 days written notice. Maricopa County may, upon 90 days prior written notice, and without the consent of the other party hereto, assign this Contract. This item is subject to approval by County Counsel of the final form of the contract. (C6005030100)

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**AMENDMENT #1 TO RESIDENT CONTRACT WITH FELISA TACATA**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment #1 to Agenda Item #C-90-94-213-1, for House Staff Residents 2004-2005, which was signed by the Board of Supervisors (BOS) on June 16, 2004; and approve Amendment #1 to two specific Resident Contracts (C-90-04-399-1-00 and C-90-04-400-1-00) for Felisa Tacata, MD, by decreasing her PGY term dates and corresponding salaries and by changing her address. There is no change to the overall Not To Exceed (NTE) amount of \$10, 058,275.11. (C9004213101)

**AMENDMENT #2 TO TRAINING AGREEMENT WITH THE AZ BOARD OF REGENTS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve, upon execution, Amendment #2 to Contract #CS911148 to the Intergovernmental Training Agreement between Maricopa County dba Maricopa Integrated Health System and Arizona Board of Regents Acting for and on behalf of the University of Arizona, College of Medicine, General Surgery Residency Program. There is no financial impact with this amendment that may be automatically renewed each year. (C9005075100)

**CHANGE TITLE OF COUNTY ADMINISTRATIVE OFFICER AND DEPUTY COUNTY ADMINISTRATOR**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to change the title of the County Administrative Officer to "County Manager" and the Deputy County Administrator to "Deputy County Manager." Make conforming changes to all policies and procedures that reference these titles. Any references to County Administrative Officer (CAO) or Deputy County Administrator (DCA) in Policies, Procedures or similar official documents shall heretofor be considered to mean County Manager and Deputy County Manager. (ADM1600)

**CREATION OF THE MARICOPA COUNTY COMMISSION ON JUSTICE SYSTEM INTERVENTION FOR THE SERIOUSLY MENTALLY ILL**

Motion was made by Supervisor Stapley and seconded by Supervisor Wilcox to approve creating the Maricopa County Commission On Justice System Intervention For The Seriously Mentally Ill. Supervisor Stapley said he had several additions that he asked be included in the composition of the 14-member Commission, as noted below:

- Two members of the judiciary; one representing the Maricopa County Superior Court and one representing Limited Jurisdiction Courts;
- One Mental Health Court Coordinator for Maricopa County Superior Court;
- Two members from the Maricopa County Adult Probation Department; one of whom will represent the Pre-Trial Division
- One member from Maricopa County Correctional Health;
- One member from the Maricopa County Sheriff's Office;
- One member from the Maricopa County Attorney's Office;
- One member from the Maricopa County Public Defender's Office;
- One member representing the mental health advocacy community;
- One member from the state Department of Health Services;ffff
- One member from Value Options;
- Two members of the Maricopa County Board of Supervisors.

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Supervisor Stapley requested that the following five additions/corrections:

1. Add one member from the Maricopa County Office of Management and Budget to the Commission.
2. Ask that the Chairman of the Board of Supervisors appoint two members of the Board of Supervisors to the Commission and that the Chairman also appoint the Chairman of the Commission from one of the two BOS members with the other to be Vice-Chairman.
3. Ask the Chairman of the Board of Supervisors to appoint the representative from the mental health advocacy community to the Commission.
4. Add the word "Services" after Pre-Trial.
5. Ask that each elected official or department director listed on the Commission submit a letter of recommendation to the Chairman of the Board of Supervisors for appointment to the Commission.

Charge of Maricopa County Commission on Justice System Intervention for the Seriously Mentally Ill

1. Survey existing programs and procedures utilized for the seriously mental ill in the justice system;
2. Review and evaluate the extent or coordination in the County among the municipal law enforcement authorities, the justice system and other stakeholders with respect to the diversion of seriously mentally ill individuals from incarceration in the county jails and other interventions;
3. Examine and evaluate current intervention programs and determine obstacles to their effectiveness;
4. Consider and evaluate alternatives or potential additions to existing intervention programs including those found in other jurisdictions;
5. Make recommendations concerning the adoption of new programs or the alteration of existing programs including necessary or appropriate legislative action.

Chairman Kunasek asked if a member of the Legislature should be included on the Commission. Supervisor Brock endorsed this idea saying that he knew of several legislators who are very interested in furthering this agenda.

Supervisor Stapley said he would welcome such an addition as the idea is to be inclusive and not exclusive. He said, "This is no silver bullet" but it would send a strong message that we're serious about a long term effort to make changes in the system." He amended his motion to include a member from the Arizona Legislature, and the second concurred with this change. (ADM1008)

The amended motion carried unanimously (5-0).

**APPOINTMENTS AND REAPPOINTMENTS TO THE MARICOPA COUNTY PARKS AND RECREATION COMMISSION**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the following:

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- a. Reappoint Randy Virden as the representative of the Park's Director to the Maricopa County Parks and Recreation Commission. Term for this appointment shall be from January 1, 2005 to December 31, 2006. (C3005022900) (ADM3203-001)
- b. Appoint Jill Kusy to the Maricopa County Parks and Recreation Commission as the Chairman's designee. The term for this appointment shall be from January 1, 2005 to December 31, 2006. (ADM3203.001)
- c. Reappoint Laurel Arndt to the Maricopa County Parks and Recreation Commission as the District 1 nominee. The term of the appointment shall be from January 1, 2005 through December 31, 2006. (ADM3203-001)
- d. Appoint Jack Stapley to the Maricopa County Parks and Recreation Commission as the District 2 nominee. The term of the appointment shall be from January 1, 2005 through December 31, 2006. (ADM3203-001)
- e. Reappoint Anne Lynch to the Maricopa County Parks and Recreation Commission as the District 3 nominee. The term of the appointment shall be from January 1, 2005 through December 31, 2006. (ADM3203-001)
- f. Reappoint Celeste Hamilton to the Maricopa County Parks and Recreation Commission as the District 4 nominee. The term of the appointment shall be from January 1, 2005 through December 31, 2006. (ADM3203-001)
- g. Reappoint Raul Chayrez to the Maricopa County Parks and Recreation Commission as the District 5 nominee. The term of the appointment shall be from January 1, 2005 through December 31, 2006. (ADM3203-001)

**REAPPOINTMENTS AND APPOINTMENTS TO THE TRAVEL REDUCTION PROGRAM TASK FORCE**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the following:

- a. Appointment of Mr. Aaron Rogos as the District 3 nominee to the Travel Reduction Program Task Force. This appointment shall be a two-year term to expire January 31, 2007. (C8505001000) (ADM2358-001)
- b. Re-appointment of the following members to the Travel Reduction Program (TRP) Task Force: Mr. Matt McMahon and Mr. Jerry Geering whose terms will expire January, 2005. The renewed appointments shall be two-year terms to expire in January 2007. (C8505002000) (ADM2358-001)

**REAPPOINTMENT TO THE STATE BOARD OF EQUALIZATION**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to reappoint Sandor Shuch to the State Board of Equalization as the District 1 nominee. The term of the appointment shall be from the date of Board approval through December 31, 2008. (ADM4908-001)

**~ Supervisor Wilcox left the meeting and would not return ~**

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**HEARING SET – PLANNING AND ZONING CASES**

No hearings are scheduled for January 19, 2005.

**HEARING SET – SUPERIOR COURT – CASE MANAGEMENT FEE**

Pursuant to a request from the Presiding Judge of the Superior Court of Arizona in Maricopa County, motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to set a hearing for January 19, 2005, 9:00 a.m. in the Board of Supervisors Auditorium to consider an increase of \$10.00 to the base Case Management fee (currently \$30.00), to a new total of \$40.00. The Case Management fee is assessed upon the filing of initial complaints, and initial answers or responses, in all civil, family, probate, and tax cases. This proposed Case Management fee increase will be assessed on cases filed after Board of Supervisors approval following the hearing required pursuant to A.R.S. § 11-251.08. Authority for this request is based upon A.R.S. § 11-251.08 and State of Arizona Attorney General Opinion 195-18 (R94-63). An increase to the Case Management fee is recommended in recognition that the combined actual cost of processing each filed case and its related documents far exceeds the annual amount generated by the current \$30.00 fee established in agenda item number C-38-98-010-7. The proposed fee increase better reflects the actual cost of Court services provided. The fee will be deposited by the Clerk of the Court to the Special Revenue Fund (259) Casflow Enhancement a special local revenue fund with the Maricopa County Treasurer, for disbursement by the Presiding Judge. Monies collected for this fund will be expended to support and improve all aspects of case and document management. Expenditure of these funds is subject to Board appropriation. (C380501680) (ADM1005)

**HEARING SET – SUPERIOR COURT – COURT AUTOMATED SERVICES FEE**

Pursuant to A.R.S. §11-251.08 and by request of the Presiding Judge and the Clerk of the Superior Court of Arizona in Maricopa County, motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to set a hearing for January 19, 2005, 9:00 a.m. in the Board of Supervisors Auditorium to consider an increase of \$10.00 to the base Court Automated Services Fee (currently \$10.00), to a new of \$20.00. The Court Automated Services Fee (CASF/AUTO DEV) was established by the Board of Supervisors in agenda number C-38-98-010-7 and is assessed upon the filing of initial complaints, and answers or responses, in all civil, family, probate, and tax cases. Upon Board approval, the fee increase will be assessed on cases filed after Board of Supervisors approval following the hearing required pursuant to A.R.S. § 11-251.08. The proposed fee increase proceeds will be deposited by the Clerk of the Court into the Court Automated Services Fund (258), for disbursement by the Presiding Judge with expenditure of the funds subject to appropriation by the Board of Supervisors. (C3805018800) (ADM1005)

**INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF MARICOPA VARIABLE RATE DEMAND SOLID WASTE DISPOSAL REVENUE BONDS (MICHAEL PYLMAN DAIRY, L.L.C. PROJECT)**

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to adopt the following captioned resolution, on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with Arizona State Libraries, Archives, and Public Records (ASLAPR). (ADM4792)

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF MARICOPA AMENDING THE PREVIOUSLY GRANTED PRELIMINARY APPROVAL AND GRANTING FINAL**

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**APPROVAL TO THE ISSUANCE OF ITS VARIABLE RATE DEMAND SOLID WASTE DISPOSAL REVENUE BONDS (MICHAEL PYLMAN DAIRY, L.L.C. PROJECT) SERIES 2005 IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$6,750,000 (THE "BONDS")**

**INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF MARICOPA VARIABLE RATE DEMAND MULTIFAMILY HOUSING REVENUE BONDS (VILLAGE SQUARE APARTMENTS PROJECT)**

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to adopt the following captioned resolution, on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with Arizona State Libraries, Archives, and Public Records (ASLAPR). (ADM4792)

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, ARIZONA, APPROVING THE ISSUANCE OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF MARICOPA VARIABLE RATE DEMAND MULTIFAMILY HOUSING REVENUE BONDS (VILLAGE SQUARE APARTMENTS PROJECT), SERIES 2004 (THE "BONDS") IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$5,887,000**

**MEETING MINUTES**

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve minutes of the meetings held August 18; September 20; October 6; October 20; October 25; November 1; November 3; and November 15, 2004.

**TAX DEEDED LAND PARCEL**

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to accept the offer of \$500.00 from Jeff Anderson of First American Title for Parcel #117-08-033B. This parcel is from a previous Tax-Deeded Land Sale. (ADM656)

**ARTICLE 13 CONTRACTS**

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to ratify new and amended contracts procured by MIHS in accordance with Article 13 of the Maricopa County Procurement code pursuant to the report on file in the Office of the Clerk of the Board of Supervisors. (ADM2100-005)

<b>CONTRACT NUMBER</b>	<b>CONTRACTOR</b>	<b>APPROVAL DATE</b>
C-60-03-082-1-09	Creative Networks	12/3/2004
C-60-04-091-1-01	Chaddock	12/3/2004
C-60-00-006-1-05	Hospice of Arizona	12/3/2004
C-90-04-046-1-01	Cain & Associates	12/3/2004
C-90-04-078-1-02	MedPlans Partners	12/3/2004
C-90-05-043-1-01	Hudson Global	12/3/2004

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**ASRS CLAIMS**

No claims were presented at this time. (ADM3309)

**MIHS CLAIMS SETTLEMENTS**

No claims were presented at this time. (ADM409-001)

**SETTLEMENT AGREEMENTS**

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the settlement agreements for the former Director of Correctional Health Services and Deputy Director of Correctional Health Services as discussed in Executive Session on December 13, 2004. (ADM409)

**PRECINCT COMMITTEEMEN**

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to authorize the appointment and cancellation of appointment of Precinct Committeemen. (ADM1701)

**SECURED TAX ROLL CORRECTIONS**

No corrections of the Secured Tax Rolls were presented at this time. (ADM705)

**CANVASS OF ELECTIONS**

Pursuant to A.R.S. §16-642(B), motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to accept the canvasses of elections submitted by special districts as on file in the Office of the Clerk of the Board.

ADAMAN Irrigation Water Delivery District #36 (ADM4373)  
Madison Park IWDD No. 22 (ADM4358)  
Sun City Fire District (ADM4414)  
Western Meadows Irrigation District (ADM4326)

**TAX ABATEMENTS**

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve requests for tax abatements from the Treasurer's Office in accordance with the report on file in the Office of the Clerk of the Board of Supervisors. (ADM708)

<b>Parcel #</b>	<b>Year</b>	<b>Proposed Abatement</b>
132-67-035-1	1997	\$1,959.17
132-67-035-1	1998	\$3,936.06
132-67-035-1	1999	\$4,923.51
132-67-035-1	2000	\$3,590.92
132-67-035-1	2001	\$3,729.09
132-67-035-1	2002	\$1,792.54



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132-67-035-1	2003	\$2,699.47
300-35-007H-9	2002	\$55.69
303-35-020C-5	2000	\$64.75
303-35-020C-5	2001	\$35.13
303-35-020C-5	2002	\$30.69
303-35-016A-4	2000	\$64.74
303-35-016A-4	2001	\$35.13
303-35-016A-4	2002	\$30.69
303-35-016A-4	2003	\$10.91

**DUPLICATE WARRANTS**

Necessary affidavits having been filed pursuant to A.R.S. §11-632, motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve duplicate warrants be re-issued to replace county warrants and school warrants which were either lost or stolen. (ADM1823) (ADM3809)

**COUNTY**

<b>NAME</b>	<b>WARRANT</b>	<b>FUND</b>	<b>AMOUNT</b>
Shirley Brown	250013975	General	\$80.00
Stephen Everly	250014880	Expense	\$90.00
MWI Veterinary Supply	340551653	Expense	\$6,616.62
Matthew Riddle	250027731	Payroll	\$543.68
Kevin Lanham	250010314	General	\$55.93
Marlayne Smithholden	250024793	766	\$479.52
Chad Moreth	250027537	General	\$1,074.22
Francine Cox	350518983	Expense	\$360.00
Fidelity National Title Insurance Co	350520767	Expense	\$267,578.51
H & E Equipment Service	350513212	Expense	\$1,066.19

**SCHOOL**

<b>NAME</b>	<b>SCHOOL</b>	<b>WARRANT</b>	<b>AMOUNT</b>
Becky Romans	Fountain Hills USD	440078354	\$45.00
IDA Kelly Meadows	Treasurer	150159700	\$807.19
Fowler SD	Pendergast SD #92	450043862	\$1,416.14
Joel Hanger	HUHS #201	1542596	\$280.83
Marcie Celaya	Avondale Elem SD	4564139	\$72.80
Robert Iler	Fowler SD	1536938	\$578.83
Robert Iler	Fowler SD	1541946	\$442.93
Robert Iler	Fowler SD	1551739	\$442.91
Robert Iler	Fowler SD	1546514	\$520.20
Panayiotis Proios	TUHS #214	150016412	\$881.46
Robin Forsberg	Isaac SD	1550472	\$1,071.46
Colonial Life & Accident	BUHSD	440060985	\$59.67

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**STALE DATED WARRANTS**

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to find that claims presented pursuant to A.R.S. §11-644 are legitimate and that claimants have demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the claims are allowed. (ADM1816)

<b>NAME</b>	<b>AMOUNT</b>
Mary Anne Betts	\$32.59

**SETTLEMENT OF TAX CASES**

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the settlement of tax cases on file in the Office of the Clerk of the Board of Supervisors, list dated December 15, 2004. (ADM704)

<b>2003</b>	TX 04-000120
TX 02-000467	TX 04-000271
TX 02-000541	TX 04-000274
TX 02-000642	<b>2004/2005</b>
<b>2004</b>	ST 03-000580
TX 03-000648	ST 04-000059
TX 03-000659	<b>2005</b>
TX 04-000083	TX 04-000456

**CLASSIFICATION CHANGES**

No classification changes were requested at this time. (ADM723)

**COMPROMISES**

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to accept the requested compromises as payment in full for the following cases: (Discussed in executive session held November 29, 2004). (ADM407)

David Bennett	\$3,800.00
Jamie Bledsoe	4,500.00
Taylor Ohlund	3,500.00
David Smith	6,500.00
Jerry Tilley	7,500.00
Crystal Turner	3,600.00
Justin Nadeau (Con't from 11/15/04)	468,882.24

**WRITE-OFFS**

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to accept the requested write-offs as payment in full for the following cases. (Discussed in executive session held November 29, 2004). (ADM407)

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Vera Cordova	\$13,853.52
Paul Gordon	124,282.54
Miguel Soto(Borjorquez)	350.00
Michael Chappell	805.00
Michael Chappell	995.86
Robert Guinard	442.20
Patrick Allen	415.00
Ferenando Frisby	525.00
Kenneth Schulte	825.00
David Calabria	300.00

**FUND TRANSFER AGREEMENT WITH THE SPECIAL HEALTH CARE DISTRICT**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) and subject to the concurrence of the Maricopa County Special Health Care District and approval of the final form of the amendment by County Counsel, to amend the Fund Transfer Agreement between Maricopa County and the Maricopa County Special Health Care District to clarify that the District Treasurer is solely responsible for the investment of District funds. Additionally, consent to the investment of District funds by the Treasurer pursuant to A.R.S. §48-5569(A). (Addendum item A-1) (ADM4496)

**AMEND IGA AND LEASE AGREEMENTS WITH THE SPECIAL HEALTH CARE DISTRICT**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) and subject to the concurrence of the Maricopa County Special Health Care District and approval of the final form of the amendment by County Counsel, to amend the Intergovernmental Agreement and lease agreements between Maricopa County and the Maricopa County Special Health Care District to allow the District additional time to review environmental reports. The environmental consultant has informed the County that lab work and final reports will not be available until January 1, 2005. The amendment will extend the date by which the District must notify the County as to whether the District intends to accept MIHS properties. The amendment will change the notification date from December 15, 2004 to January 19, 2005. Also, amend lease terms to conform to this extension and to clarify space allocations at Desert Vista instead of Maricopa Medical Center, and conform various leases to corrected payment amounts. (Addendum item A-2) (ADM4496)

**ASSIGNMENT, ASSUMPTION AND CONSENT AGREEMENT BETWEEN MARICOPA COUNTY AND MEDPRO**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve, subject to the concurrence of the Special Health Care District and approval of the final form of the documents by County Council, the Assignment, Assumption and Consent Agreement between Maricopa County and MedPro for the provision of services to the AHCCCS Acute Care and Long Term Care Plans in accordance with the Intergovernmental Agreement between Maricopa County and the Maricopa County Special Health Care District. (Addendum item A-3) (ADM2209)

**CONTRACT WITH WILSON, KELLER & ASSOCIATES**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to authorize the firm of Wilson, Keller & Associates to file a claim on behalf of Maricopa County with the United States Department of Energy (DOE) Office of Hearings and Appeals (OHA) for a Subpart V Crude

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Oil Supplemental Refund and approve the contract with the firm which provides that the firm retains 15% of monies recovered (total recovery estimated at \$8,390), with no liability to the County for any costs or expenses. (Addendum item A-4) (ADM413) (ADM2101-001)

**APPOINTMENTS TO THE BOARD OF HEALTH**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to appoint the following to positions on the Board of Health: (Addendum item A-5)

<b>NAME</b>	<b>REPRESENTING</b>	<b>TERM</b>
Pam Wight	District 3	January 1, 2005 to December 31, 2008
Audrey Adamic	At- Large Appt.	December 3, 2004 to December 31, 2008
Brian Spicker	At- Large Appt.	January 1, 2005 to December 31, 2008
Brian C. McNeil	At- Large Appt.	January 1, 2005 to December 31, 2008

**APPOINTMENT TO THE MARICOPA COUNTY SPORTS COMMISSION**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to re-appoint Tom Taradash as the District 2 nominee to the Maricopa County Sports Commission. Term of the appointment shall be from December 16, 2004 through December 15, 2008. (Addendum item A-6) (ADM3240-001)

**FIREWORKS DISPLAY PERMIT**

Subject to approval of the State Fire Marshall and the Planning and Development Department, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve a special event fireworks display permit: (Addendum item A-7) (ADM665)

<b>Organization:</b>	Pioneer the Past Restaurant
<b>Location:</b>	3901 W. Pioneer Road
<b>Date:</b>	December 31, 2004

**PUBLIC COMMENT**

No member of the public came forward to speak at this time. (ADM605)

**PLANNING AND ZONING**

David Smith left the dais at the end of this portion of the Board meeting. Board Members, as listed above, remained in session. Joy Rich, Chief Regional Development Services Officer, Darren Gerard, Deputy Planning and Development Director, and Terry Eckhardt, County Counsel, came forward to present the following Planning and Zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

\* Items denoted by an asterisk require unanimous vote due to request for 24-hour emergency vesting.

**CONSENT AGENDA DETAIL:**

- Z2004-020**      **District 1**  
**Applicant:**      Ken Nickum for Larry & Susan Plote

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**Location:** North of Warner Rd. and east of Sossaman Rd. (in the east Mesa area)  
**Request:** Rezone from Rural-43 to IND-3 PD with a Precise Plan of Development for pre-caste concrete manufacturing - Plote Backhoe Yard (2.04 ac.)

**COMMISSION ACTION:** Commissioner Masel moved to recommend approval of Z2004020, subject to the following stipulations "a" through "n". Commissioner Porter seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development shall be in general conformance with the site plan entitled, "Requested Zone Change from Rural-43 to IND-3 for Larry Plote", consisting of one (1) full-size sheet, dated revised August 20, 2004 and stamped received September 13, 2004, except as modified by the following stipulations.
- b. Development of the site shall be in general conformance with the narrative report entitled, "Plote Backhoe Service", consisting of four (4) pages, updated but stamped received September 20, 2004, except as modified by the following stipulations.
- c. Perimeter fencing shall not exceed six (6) feet in height and shall be assembled with aluminum slatting to provide screening. Any material stored outdoors on-site shall be limited to eight (8) feet in height.
- d. All habitable buildings shall be constructed to achieve a sound attenuation level of 25 decibels.
- e. Prior to zoning clearance, the applicant shall provide satisfactory evidence that Rural/Metro Fire Department has been properly apprised of the proposed development to occur on the subject property and that an offer to extend fire protection services has been made with regard to the subject property. The Will Serve letter shall accurately reflect all structures approved to be on the site.
- f. All perimeter landscaping shall be maintained by the property owner throughout the life of the development. All trees shall be double-staked and shall be no less than 24-inch box size when planted. All shrubbery shall be no less than 1-gallon size when planted. The applicant shall install Mondell Pines along the west property line spaced 20-foot on center.
- g. A 6' high CMU wall shall be constructed along the entire length of the southern property boundary if after one-year from Board of Supervisors approval the property to the south remains in a Rural or Residential zoning district.
- h. All transformers, back-flow prevention devices, utility boxes and all other utility-related, ground-mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All roof mounted mechanical equipment shall be screened by a continuous parapet.
- i. After zoning approval but prior to any constructions, a drainage clearance in conjunction with a building permit must be obtained from the Flood Control District's Permitting Office.
- j. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.

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- k. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department.
- l. Major changes to this Plan of Development (the site plan and narrative report), or the conditions of approval, shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- m. Noncompliance with the Plan of Development (the site plan and narrative report) and conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- n. This site is subject to a Plan of Development (PD) Overlay Zone.

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve this rezoning.

- 2. Z2004-041 District 4**
- Applicant:** Joe Robbins for Arizona Desert Testing LLC
- Location:** 21212 W. Patton Rd. – northwest corner of 211<sup>th</sup> Ave. & Patton Rd. (in the Surprise area)
- Request:** Major Amendment to an existing Special Use Permit (SUP) for an outdoor weathering testing facility in the Rural-43 zoning district to increase the SUP area and add additional weathering fixtures to the facility - Arizona Desert Testing (6.53 ac)

**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of Z2004041, subject to the following stipulations “a” through “i”. Commissioner Smith seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development and use of the site shall comply with the site plan entitled “Arizona Desert Testing Facility, Major Amendment to Special Use Permit Z96-19(a) Phase 2 and Phase 3 Maricopa County Zoning Case #Z2004041”, consisting of three (3) sheets, dated August 23, 2004 and stamped received October 13, 2004 except as modified by the following stipulations.
- b. Development and use of the site shall comply with the narrative report referred to as exhibit A and entitled “Narrative Report for Major Amendment to Special Use Permit Z96-19(a)”, consisting of seven (7) total pages, dated September 3, 2004 and stamped received September 9, 2004, except as modified by the following stipulations.
- c. Major changes to this Special Use Permit shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.

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- d. Non-compliance with the Special Use Permit (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with the provisions of the Maricopa County Zoning Ordinance.
- e. Prior to construction a drainage clearance must be obtained from the Flood Control District of Maricopa County.
- f. A landscape buffer shall be provided along the west and north sides of Phase 2 and along the north and east sides of Phase 3. Buffering shall occur with the development of each phase. The buffer area shall consist of 5-gallon size native type trees, 30 feet on center. These trees shall be placed within the boundaries of the Special Use Permit area and water shall be supplied to the trees by an automatic drip system. All trees shall be double-staked when installed.
- g. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- h. Dedication of additional right-of-way to bring the total half-width dedication to 55 feet for Patton Road within 90 days of approval of this request by the Board of Supervisors, and prior to zoning clearance.
- i. This Special Use Permit shall expire 15 years from the date of Board of Supervisors approval of this request or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.
- j. The applicant shall submit a written report outlining the status of the development at the end of two (2) years from the date of approval by the Board of Supervisors and five (5) years thereafter. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations. If staff deems the status report to be unacceptable, the status report may be forwarded to the Commission for further review and action.
- k. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation or the Maricopa County Flood Control District may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- l. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve this amendment.

- 3.      Z2004-096      District 1**  
**Applicant:** Commission initiated  
**Location:** West side of Arizona Ave., between Cloud Rd. and Riggs Rd. (in the Sun Lakes/south Chandler area)  
**Request:** RUPD Overlay Zone in the R1-35 zoning district for an existing 67-lot single-family residential subdivision - Gila Butte Estates (72.6 ac.)

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**COMMISSION ACTION:** Commissioner Masel moved to recommend approval of Z2004096, subject to the following stipulations "a" through "g". Commissioner Smith seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development of all residential lots within Gila Buttes Estates shall be subject to the R1-35 RUPD development standards in the one-page zoning chart entitled "Gila Butte Estates R1-35 R.U.P.D. Comparison Chart", dated November 18, 2004.
- b. Variances to the development standards of the R1-35 RUPD zoning district may be granted by the Maricopa County Board of Adjustment.
- c. The keeping of farm animals, except horses, is not permitted in the R1-35 zoning district. This stipulation shall become void if a subsequent amendment to the Maricopa County Zoning Ordinance is approved to allow hobby farms and the keeping of livestock in Residential zoning districts.
- d. Only one dwelling unit shall be permitted per lot of record in Gila Butte Estates. Casitas are not allowed.
- e. All existing, unpermitted structures shall be required to obtain permits or clearances, as may be applicable.
- f. Encroachment permits must be obtained from MCDOT for all existing or future structures within the County right-of-way.
- g. Noncompliance with these conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance and grounds for revocation of the RUPD Overlay Zone.

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve this RUPD Overlay Zone.

- 4. S2004-028 District 4**  
**Applicant:** Surface Engineering Company  
**Location:** West of 181<sup>st</sup> Ave. and south of Bethany Home Rd. (in the west Glendale area)  
**Request:** Final Plat in the R1-18 RUPD zoning district for Russell Ranch Phase III (approx. 70.66 gross acres)

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve this final plat.

- 5. S2004-056 District 4**  
**Applicant:** Pulte Home Corporation  
**Location:** Southwest corner of Pinnacle Peak Rd. & El Mirage Rd. ( in the Sun City West area)  
**Request:** Final Plat in the R1-6 RUPD zoning district for El Camino at Corte Bella Country Club Unit M, Phase 2 (approx. 39.79 gross acres)



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Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve this final plat.

6.     **S2004-083     District 3**  
       **Applicant:** Stanley Consultants  
       **Location:** Southeast corner of Navigation Way & Gavilan Peak Pkwy. (in the Anthem area)  
       **Request:** Replat in the R1-6 RUPD zoning district for Anthem Unit 63 (Approx. 3.04 gross acres)

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve this replat.

7.     **S2004-102     District 4**  
       **Applicant:** Patton Place, L.L.C.  
       **Location:** Southwest corner of Peak View Rd. & 247<sup>th</sup> Ave. (in the Surprise area)  
  
       **Request:** Amended Final Plat in the Rural-43 zoning district, and within a high noise and accident potential zone of Luke Air Force Base Auxiliary Field #1 – Patton Place Unit 4 (Approx. 60.06 gross acres)

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve this final plat.

**REGULAR AGENDA DETAIL:**

8.     **CPA2004-03     Districts 4 & 5**  
       **Applicant:** Gallagher & Kennedy, P.A. for Harvard Investments  
       **Location:** White Tank/Grand Avenue Area Plan  
       **Request:** Major Comprehensive Plan Amendment (CPA) to the White Tank/Grand Avenue Area Plan to change plan text that limits residential densities in areas north of SR 74, and which discourages development on hillside slopes of 10% or greater - (Approx. 760 sq. miles)

**COMMISSION ACTION:** Commissioner Clayburg moved to recommend approval of CPA 200403, with staff recommended changes to plan text except as modified below in bold. Commissioner Munoz seconded the motion, which passed with a majority vote of 7-1, with Chairman Aster dissenting.

**Policy L3.4.1:**

New residential development, including development master plans, north of State Route 74 and east of the Wickenburg Highway Scenic Corridor should not increase the overall designated density above what is currently state law. INCREASED DENSITY MAY BE CONSIDERED BASED UPON UNIQUE AND INNOVATIVE PROJECT DESIGNS.

**Policy E1.1.3:**

Discourage small lot residential and commercial development on land with hillside slopes of 15% or greater. DEVELOPMENT ON HILLSIDE SLOPES OF 15% OR GREATER MAY BE CONSIDERED BASED UPON UNIQUE AND INNOVATIVE PROJECT DESIGNS.

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Mr. Gerard gave background information on the major plan amendment. The Town of Surprise had originally expressed concerns about it but these have been addressed. The recommendation is for approval.

Discussion ensued between applicant's representative, Rod Jarvis, and Supervisors Wilson and Kunasek on the importance of the wording "unique and innovative project designs" for this project. Mr. Jarvis said he would be satisfied with the 15% slope being changed to 10% if the words unique and innovative are left in as he said this wording would allow them some necessary flexibility on density and on slopes. He said they expect to bring a very unique master plan to the Board for approval as they are endeavoring to make the development "look like it belongs there and not destroy the beauty of the area."

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to concur with recommendation of the Planning Commission for approval with the following change to 10% in Policy E1.1.3:

**Policy E1.1.3:**

Discourage small lot residential and commercial development on land with hillside slopes of 10% or greater. DEVELOPMENT ON HILLSIDE SLOPES OF 10% OR GREATER MAY BE CONSIDERED BASED UPON UNIQUE AND INNOVATIVE PROJECT DESIGNS.

**RESOLUTION  
CPA 2004-03**

Be it resolved by the Maricopa County Board of Supervisors as follows:

**WHEREAS**, Maricopa County adopted its Comprehensive Plan in accordance with Title 11, Section 806 of the Arizona Revised Statutes to help bring about coordinated physical development consistent with the present and future needs of Maricopa County, and

**WHEREAS**, Eye to the Future 2020, the Maricopa County Comprehensive Plan, recognizes the importance of having a comprehensive plan amendment process so that this plan can be responsive and flexible to meet the changing conditions of Maricopa County, and

**WHEREAS**, Maricopa County has an approved process where specific criteria is used to determine when comprehensive plan amendments are necessary, how comprehensive plan amendments are to be processed, and at what point comprehensive plan amendments can be presented at a public hearing by the Board of Supervisors, upon recommendation by the Planning and Zoning Commission, and

**WHEREAS**, Case number CPA2004-03 meets the requirements for a comprehensive plan amendment and was processed according to the approved Maricopa County Comprehensive Plan Amendment Guidelines, including all legal notification requirements, and

**WHEREAS**, Title 11, Section 824 of the Arizona Revised Statutes requires that amendments to the Comprehensive Plan be approved by resolution of the Board of Supervisors, and

**WHEREAS**, the Maricopa County Board of Supervisors has carefully considered this comprehensive plan amendment application, has held a public hearing regarding this comprehensive plan amendment application, and finds that this comprehensive plan amendment constitutes an overall improvement to Maricopa County in general.

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**NOW, THEREFORE, BE IT RESOLVED** that the comprehensive plan amendment application for case number CPA 2004-03, is hereby approved.

**DATED** THIS 15<sup>TH</sup> DAY OF December 2004.

/s/ Andrew Kunasek, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

- 9.        Z2004-019        District 1**  
**Applicant:**        Ken Nickum for Utility Construction Company, Inc.  
**Location:**        19442 E. Warner Rd., north side of Warner Rd., east of Sossaman Rd. (in the southeast Mesa area)  
**Request:**        Rezone from Rural-43 to IND-3 PD with a Precise Plan of Development for steel manufacturing and pre-caste concrete fabrication - Utility Construction Company, Inc. (2.48 ac.)

**COMMISSION ACTION:** Commissioner Masel moved to recommend approval of Z2004019, subject to the following stipulations "a" through "q". Commissioner Porter seconded the motion, which passed with a unanimous vote of 6-0.

- a.        Development shall be in general conformance with the site plan entitled, "Requested Zone Change from Rural-43 to IND-3 for Utility Construction", consisting of one (1) full-size sheet, dated revised August 20, 2004 and stamped received September 13, 2004, except as modified by the following stipulations. Within 30 days of approval by the Board of Supervisors and prior to zoning clearance, the applicant shall submit a revised site plan and narrative report that accurately reflects all outbuildings and other structures on site.
- b.        Development of the site shall be in general conformance with the narrative report entitled, "Utility Construction Company", consisting of six (6) pages, undated but stamped received June 28, 2004, except as modified by the following stipulations.
- c.        The exterior surface of the proposed metal buildings shall include at least 50% conventional building materials such as but not limited to masonry and stucco.
- d.        Dedication to provide the ultimate 65' half-width for Warner Road adjacent to the subject property shall occur within six (6) months of approval of this request by the Board of supervisors, and prior to zoning clearance.
- e.        Prior to zoning clearance, the applicant shall bond for future right-of-way improvements along Warner Road adjacent to the subject property. Said improvements shall include curb, gutter, sidewalk and paving. All right-of-way improvements shall be constructed to minimum County standards.
- f.        Perimeter fencing shall not exceed six (6) feet in height and shall be assembled with aluminum slatting to provide screening. Any material stored outdoors on-site shall be limited to eight (8) feet in height.
- g.        All habitable buildings shall be constructed to achieve a sound attenuation level of 25 decibels.

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- h. Prior to zoning clearance, the applicant shall provide satisfactory evidence that Rural/Metro Fire Department has been properly apprised of the proposed development to occur on the subject property and that an offer to extend fire protection services has been made with regard to the subject property. The Will Serve letter shall accurately reflect all structures approved to be on the site.
- i. All perimeter landscaping shall be maintained by the property owner throughout the life of the development. All trees shall be double-staked and shall be no less than 24-inch box size when planted. All shrubbery shall be no less than 1-gallon size when planted. The applicant shall install Mondell Pines along the west property line spaced 20-foot on center.
- j. All transformers, back-flow prevention devices, utility boxes and all other utility-related, ground-mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All roof mounted mechanical equipment shall be screened by a continuous parapet.
- k. After zoning approval but prior to any constructions, a drainage clearance in conjunction with a building permit must be obtained from the Flood Control District's Permitting Office.
- l. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation for landscaping or other improvements within the public right-of-way.
- m. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- n. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department.
- o. Major changes to this Plan of Development (the site plan and narrative report), or the conditions of approval, shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- p. Noncompliance with the Plan of Development (the site plan and narrative report) and conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- q. This site is subject to a Plan of Development (PD) Overlay Zone.

Mr. Gerard said this item would have been included with the Consent cases but was withheld when a letter of opposition was received. Recommendation was for approval.

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to concur with the recommendation of the Planning Commission for approval with stipulations "a" through "q."

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- 10. Z2004-034 District 1**  
**Applicant:** Andy Pulsipher for William Anderson, et al  
**Location:** Northeast corner of Power Rd. & Galveston St. (in the east Mesa area)  
**Request:**
1. Rezone from Rural-43 and Rural-43 PD to C-2 CUPD with a request for 24-hour emergency vesting (8.34 ac.)
  2. Precise Plan of Development for auto sales in the C-2 CUPD zoning District (0.85 ac.)
  3. Concept Plan of Development for a convenience store and retail shops in the C-2 CUPD zoning district (7.49 ac.) – Buy Direct Auto Sales / Quick Trip Mart (8.34 ac.)

**COMMISSION ACTION:** Commissioner Pugmire moved to recommend approval of Z2004034, subject to the following stipulations “a” through “t”. Commissioner Clayburg seconded the motion, which passed with a unanimous vote of 8-0.

**(NOTE: This item requires unanimous vote due to request for 24-hour emergency vesting.)**

- a. Development of the site shall be consistent with the site plan entitled, “Precise / Concept Site Plan – Buy Direct / QT Complex”, consisting of one (1) full-size sheet, dated May 25, 2004, revised October 28, 2004, certified by the architect October, 2004 and stamped received October 29, 2004, except as modified by the following stipulations. Prior to zoning clearance or within 30 days of Board of Supervisors approval, the applicant shall submit a revised site plan reflecting the following site plan changes.
  - i. The six-foot high masonry wall located along the north side of Lot 2 as shown on the site plan shall extend out to the setback line that parallels the Power Road right-of-way.
  - ii. The masonry wall separating Phase I from Phase III shall either be reduced to 3’ in height or eliminated all together.
  - iii. All outdoor vehicle display spaces, including raised display stands, shall be shown.
- b. Development of the site shall be consistent with the project narrative entitled, “Power Road Commercial Development”, consisting of four (4) pages, revised October 27, 2004 and stamped received October 29, 2004, except as modified by the following stipulations.
- c. Development of the convenience store site, as well as Phases II and III, shall be generally consistent with the site plan referenced in stipulation “a” above and shall observe all applicable requirements of the C-2 zoning district, excepting the perimeter wall requirements as outlined in stipulation “i” below. Development of the convenience store site or Phases II and III as shown on the site plan (all areas other than that included within the Precise Plan of Development area on the site plan), shall not occur until a Precise Plan of Development is approved by the Board of Supervisors.
- d. The subsequent Precise Plan(s) of Development for Phase II and Phase III as shown on the site plan shall include a dimensioned fire apparatus access route plan, which shall include turning radii, hydrant placement, and dimensioned apparatus access to all exterior floor walls.

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- e. A temporary service drive providing a connection through the convenience market site to Phase I of the automobile dealership shall be constructed with the Phase I improvements.
- f. Prior to zoning clearance, the parcel boundaries shall be reconfigured such that they coincide with the lot boundaries as indicated on the site plan.
- g. Prior to zoning clearance, for Phase III or the QT Mart, the applicant shall provide evidence of legal abandonment of the 25-foot access easement located along the south end of the subject site.
- h. Development of the convenience market shall not occur until after the development of Phase I as indicated on the site plan and project narrative but may precede all other development on the site; however, development of the convenience market shall precede the development of the retail shops building unless the ultimate improvements to the Galveston Street right-of-way have been completed before that time.
- i. The entire site shall be subject to a Commercial Unit Plan of Development (CUPD) Overlay Zone. The CUPD will allow the applicant to deviate from C-2 zoning district development standards by eliminating the requirement for a solid masonry wall adjacent to the Roosevelt Water Conservation District Canal.
- j. Site wall design shall utilize a combination of split-faced block, stone work, and color variation to create uniqueness and character within the site.
- k. The developer shall employ "360-degree architecture" to any commercial buildings constructed on site. Architectural features such as repeating design elements, variations of color and texture, variations in building height, projections and recessions from the building plane, internalization of scuppers and downspouts, screening of loading and loading areas, trash bins, AC units, and electrical panels, etc. shall be incorporated in the design of the commercial buildings.
- l. The following stipulations relating to Drainage Review shall be met:
  - i. After zoning approval, but prior to any construction, a drainage clearance in conjunction with a building permit must be obtained from the Planning and Development Department.
  - ii. The Arizona Department of Environmental Quality (ADEQ) requires that all drywells be permitted through their office. The Drainage Regulations for Maricopa County require that proof of drywell registration and ADEQ approval be submitted to the Drainage Review Division of the Planning and Development Department prior to issuance of a drainage clearance.
- m. The following Maricopa County Department of Transportation (MCDOT) stipulations shall be met:
  - i. The developer shall provide a total half-width of 30 feet of right-of-way for Galveston Street.

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- ii. The developer shall provide a total half-width of 70 feet of right-of-way for Power Road.
- iii. The developer shall construct ultimate improvements to include pavement, curb, gutter, and sidewalk along Power Road.
- iv. The developer shall construct ultimate improvements to include pavement, curb, gutter, and sidewalk along Galveston Street.
- v. Development must comply with all recommendations in MCDOT approved TIS. Future median openings along Power Road will most likely be allowed every 600 feet, with possible signal at the ½ mile location (Galveston Street). It appears that all driveways planned will be future right-in/right-out only. TIS to address median opening and traffic signal issues.
- vi. Any landscaping within the county right-of-way must meet Chapter 9 of the MCDOT Roadway Design Manual.
- n. A septic system and on-site disposal of sewage shall serve only the Phase I Plan of Development associated with this zone change request. All phases of this project shall be annexed into the City of Mesa and shall connect to the City of Mesa sewer system prior to the development and approval of plans for all subsequent Phases or Plans of Development. City of Mesa water service is a requirement for all Phases and Plans of Development.
- o. Prior to zoning clearance for any particular phase of development, the property owner of that phase of development shall provide a recorded copy of an Avigation Easement executed between the owner of that property and Williams Gateway Airport. Further, prior to the conveyance of any portion of the subject property to another party, the seller of said property shall disclose to the purchaser of the property, in a manner acceptable to Williams Gateway Airport, that the property is located near said airport and is subject to noise events which may be objectionable.
- p. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- q. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- r. When possible, all transformers, back-flow prevention devices, utility boxes and all other utility-related, ground-mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be screened from view.
- s. Major changes to the site plan shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department.

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- t. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.

Mr. Gerard commented that this item had been requested for emergency vesting but this was not possible without all five Board members present. The applicant had been informed and asked that it move forward without the emergency vesting. A handout with amended stipulations was distributed (see below). Mr. Gerard said that the City of Mesa was in accord with this plan and the recommendation was for approval with the amended stipulations.

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to concur with the recommendation of the Planning Commission for approval with stipulations "a" through "s" as follows.

- a. Development of the site shall be consistent with the site plan entitled, "Precise / Concept Site Plan – Buy Direct / QT Complex", consisting of one (1) full-size sheet, dated May 25, 2004, revised October 28, 2004, certified by the architect October, 2004 and stamped received October 29, 2004, except as modified by the following stipulations. Prior to zoning clearance or within 30 days of Board of Supervisors approval, the applicant shall submit a revised site plan reflecting the following site plan changes.
  - i. The six-foot high masonry wall located along the north side of Lot 2 as shown on the site plan shall extend out to the setback line that parallels the Power Road right-of-way.
  - ii. The masonry wall separating Phase I from Phase III shall either be reduced to 3' in height or eliminated all together.
  - iii. All outdoor vehicle display spaces, including raised display stands, shall be shown.
- b. Development of the site shall be consistent with the project narrative entitled, "Power Road Commercial Development", consisting of four (4) pages, revised October 27, 2004 and stamped received October 29, 2004, except as modified by the following stipulations.
- c. Development of the convenience store site, as well as Phases II and III, shall be generally consistent with the site plan referenced in stipulation "a" above and shall observe all applicable requirements of the C-2 zoning district, excepting the perimeter wall requirements as outlined in stipulation "i" below. Development of the convenience store site or Phases II and III as shown on the site plan (all areas other than that included within the Precise Plan of Development area on the site plan), shall not occur until a Precise Plan of Development is approved by the Board of Supervisors. Within 30 days of Board approval, a revised Concept Plan of Development shall be submitted for the convenience store phase of development.
- d. The subsequent Precise Plan(s) of Development for Phase II and Phase III as shown on the site plan shall include a dimensioned fire apparatus access route plan, which shall



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include turning radii, hydrant placement, and dimensioned apparatus access to all exterior floor walls.

- e A temporary service drive providing a connection through the convenience market site to Phase I of the automobile dealership shall be constructed with the Phase I improvements.
- f Prior to zoning clearance, the parcel boundaries shall be reconfigured such that they coincide with the lot boundaries as indicated on the site plan.
- g ~~Prior to zoning clearance, for Phase III or the QT Mart, the applicant shall provide evidence of legal abandonment of the 25-foot access easement located along the south end of the subject site.~~

~~h~~ \_\_\_\_\_

- g. Development of the convenience market shall not occur until after the development of Phase I as indicated on the site plan and project narrative but may precede all other development on the site; however, development of the convenience market shall precede the development of the retail shops building unless the ultimate improvements to the Galveston Street right-of-way have been completed before that time.

~~i~~ \_\_\_\_\_

- h. The entire site shall be subject to a Commercial Unit Plan of Development (CUPD) Overlay Zone. The CUPD will allow the applicant to deviate from C-2 zoning district development standards by eliminating the requirement for a solid masonry wall adjacent to the Roosevelt Water Conservation District Canal.

~~j~~ \_\_\_\_\_

- i. Site wall design shall utilize a combination of stucco treatment, or split-faced block, or stone work, and color variation to create uniqueness and character within the site.

~~k~~ \_\_\_\_\_

- j. Phase 1 development (auto sales) shall employ a stucco treatment on all sides of buildings. All other phases ~~The developer~~ shall employ "360-degree architecture" to any commercial buildings constructed on site. Architectural features such as repeating design elements, variations of color and texture, variations in building height, projections and recessions from the building plane, internalization of scuppers and downspouts, screening of loading and loading areas, trash bins, AC units, and electrical panels, etc. shall be incorporated in the design of the commercial buildings.

~~l~~ \_\_\_\_\_

- k. The following stipulations relating to Drainage Review shall be met:
  - i. After zoning approval, but prior to any construction, a drainage clearance in conjunction with a building permit must be obtained from the Planning and Development Department.
  - ii. The Arizona Department of Environmental Quality (ADEQ) requires that all drywells be permitted through their office. The Drainage Regulations for Maricopa County require that proof of drywell registration and ADEQ approval be

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submitted to the Drainage Review Division of the Planning and Development Department prior to issuance of a drainage clearance.

~~m.~~

l. Within six months or prior to zoning clearance for future phases (after the Phase 1 auto sales), the following Maricopa County Department of Transportation (MCDOT) stipulations shall be met:

- i. The developer shall provide a total half-width of 30 feet of right-of-way for Galveston Street.
- ii. The developer shall provide a total half-width of 70 feet of right-of-way for Power Road.
- iii. The developer shall construct ultimate improvements to include pavement, curb, gutter, and sidewalk along Power Road. In lieu of construction, the applicant can bond for improvements at the discretion of MCDOT.
- iv. The developer shall construct ultimate improvements to include pavement, curb, gutter, and sidewalk along Galveston Street. In lieu of construction, the applicant can bond for improvements at the discretion of MCDOT.
- v. Development must comply with all recommendations in MCDOT approved TIS. Future median openings along Power Road will most likely be allowed every 600 feet, with possible signal at the ½ mile location (Galveston Street). It appears that all driveways planned will be future right-in/right-out only. TIS to address median opening and traffic signal issues.
- vi. Any landscaping within the county right-of-way must meet Chapter 9 of the MCDOT Roadway Design Manual.

~~n.~~

m. A septic system and on-site disposal of sewage shall serve only the Phase I Plan of Development associated with this zone change request. All phases of this project shall be annexed into the City of Mesa and shall connect to the City of Mesa sewer system prior to the development and approval of plans for all subsequent Phases or Plans of Development. City of Mesa water service is a requirement for all Phases and Plans of Development.

~~o.~~

n. Prior to zoning clearance for any particular phase of development, the property owner of that phase of development shall provide a recorded copy of an Avigation Easement executed between the owner of that property and Williams Gateway Airport. Further, prior to the conveyance of any portion of the subject property to another party, the seller of said property shall disclose to the purchaser of the property, in a manner acceptable to Williams Gateway Airport, that the property is located near said airport and is subject to noise events which may be objectionable.

~~p.~~

o. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during

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course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.

- ~~g.~~  
p. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- ~~f.~~  
q. When possible, all transformers, back-flow prevention devices, utility boxes and all other utility-related, ground-mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be screened from view.
- ~~s.~~  
r. Major changes to the site plan shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department.
- ~~t.~~  
s. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.

**MEETING ADJOURNED**

There being no further business to come before the Board, the meeting was adjourned.

\_\_\_\_\_  
Andrew Kunasek, Chairman of the Board

ATTEST:

\_\_\_\_\_  
Fran McCarroll, Clerk of the Board